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HISTORICAL COLLECTIONS

COLLECTIONS AND RESEARCHES

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Michigan Pioneer and Historical Society

Vol. XXXVI.

LANSING, MICHIGAN
WYNCOOP HALLENBECK CRAWFORD COMPANY, STATE PRINTERS
1908

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PREFACE.

Besides the report of the Annual Meeting of the Society for the year 1907, this the 36th volume of the Society's publication, contains an abundance of material on the early history of Michigan, putting into available form publications and documents not otherwise accessible to the general public. As is fitting, it contains the Society's tribute to one of its most illustrious and loyal members, the Hon. Peter White, of Marquette. An illuminating discussion of the Proclamation of 1763, follows the publication of that document from the Canadian Archives' Report. However, the main interest of the volume centers in the "Territorial Records." These papers in addition to those published in Volume XXXI, give the most complete account, from the manuscripts, of the period immediately following the formation of the territory in 1805. No future publication on Michigan history can ignore the new material contained in these papers. Their personal and intimate character add much to their interest and value, and as Mr. Burton truly says in his introduction, "(They) are the most important (documents) that have ever been printed by our Society on that period of the history of our state immediately following the formation of the territory in 1805."

No better illustration could be given than this volume presents, of the important work being done by our Society in the preservation and putting in permanent form of the early records that make the history of our Commonwealth. It should also serve to call attention to the loose and careless manner in which many of our local records are now being kept, a fault from which some of our state records are not wholly free. The apparently unimportant records of to-day may become of vital interest to a succeeding generation. All state and county officers of record should be impressed with the duty and *necessity* of keeping their records of facts absolutely correct and intact.

This volume has the melancholy honor of recording the memorials of a number of the state's honored citizens: A governor, a judge of the

U. S. court, and a candidate for the position of U. S. senator. As brief notices of the lives of these men who have in their different spheres shed lustre on the state's good name, we commend these memorials to the readers of this volume.

CLARENCE E. BEMENT, *Lansing,*
JAMES F. BARNETT, *Grand Rapids,*
EDWIN O. WOOD, *Flint,*
JUNIUS E. BEAL, *Ann Arbor,*
PETER WHITE, *Marquette,**
Committee of Historians.

*Deceased.

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Benjamin F. Davis, Lansing, Treasurer.

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Edward Cahill, Lansing.
E. W. Barber, Jackson.
*Peter White, Marquette.
Junius E. Beal, Ann Arbor.

1908.

Clarence M. Burton, Detroit, President.
*Daniel McCoy, Grand Rapids, Vice-President.
Henry R. Pattengill, Lansing, Secretary.
Benjamin F. Davis, Lansing, Treasurer.

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Muskegon,
Newaygo,
Oakland,
Oceana, Hon. C. A. Gurney, Hart.
Ogemaw, Dr. H. M. Ammond, Campbell's Corners.
Ontonagon,

*Deceased.

Osceola,
Oscoda, Robert Kittle, Briggs.
Otsego, Chas. F. Davis, Elmira.
Ottawa, Hon. G. T. Diekema, Holland.
Presque Isle, Henry Whiteley, Millersburg.
Roscommon,
Saginaw, Mrs. Anna A. Palmer, Saginaw.
Sanilac,
Schoolcraft,
Shiawassee,
St. Clair, Mrs. Caroline F. Ballentine, Port Huron.
St. Joseph, Thomas G. Greene, Centerville.
Tuscola, N. E. York, Millington.
Van Buren, Hon. C. J. Monroe, South Haven.
Washtenaw, J. Q. A. Sessions, Ann Arbor.
Wayne,
Wexford, Hon. Perry F. Powers, Cadillac.

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MICHIGAN
PIONEER AND HISTORICAL SOCIETY

ANNUAL MEETING JUNE 26 AND 27, 1907.

The annual meeting of this society prescribed by law occurring at about the same date as the visit of President Roosevelt at the Semi-Centennial of the Michigan Agricultural College, the thirty-third session was formally postponed until June 26 and 27. Mr. L. D. Watkins presided in the absence of C. M. Burton, president. Rev. Wm. Putnam offered prayer. A chorus from the Industrial School for Boys was enthusiastically received and they responded with another song.

The reports of the Secretary and Treasurer were given. Joseph Greusel read a biography of Major George H. Hopkins. The paper of George H. Cannon on "Old Forts of Macomb County" will appear in the next book of miscellaneous records. Edward W. Barber delivered a paper on "Features of Our Indebtedness to the Pioneers." This subject was very ably discussed by Prof. A. R. Sawyer of the Michigan Agricultural College.

Quite a number of curios and relics were on exhibition.

Prof. A. J. Patten of the Michigan Agricultural College opened the evening meeting with a vocal solo. Dr. A. C. Lane furnished a memoir of the late Dr. Carl Ludwig Rominger of the University of Michigan. Mrs. Mary A. Emerson of Waltham, Mass., gave a biography of her father, Hon. John D. Pierce. Miss Helena Rogers Smith sang a solo and responded to an encore. Judge John C. Patterson of Marshall presented in the name of Mrs. Crary a fine oil portrait framed, of Gen. Isaac E. Crary and accompanied it by a paper proving the valuable work of Mr. Crary for the public schools of the State in connection with John D. Pierce. By request Miss Smith sang "Annie Laurie." Mrs. Mary Stillman of Mason

gave a portrait of her sister Mrs. Hannah Miller May who was one of the first select school teachers in Lansing, and who died at the age of eighty in 1905.

Thursday afternoon at 2 o'clock J. P. Sanderson, Jr., gave a violin solo, "Home Sweet Home." Mrs. T. D. Gilbert of Grand Rapids took the place of Peter White detained by accidental injury, and gave a very interesting talk on the work of the Indians, illustrating it by relics and souvenirs. She and her sister Mrs. J. C. Buchanan sang several songs in the Indian language. A vote of thanks was tendered Mrs. Gilbert for her instructive and valuable address. Miss Lucy Ball gave a paper on "Early Days in Grand Rapids" which included a sketch of her father, John Ball, who was a pioneer benefactor of the city. Mr. C. M. Burton very vividly portrayed Cadillac's home in France, as he had but just returned from visiting his birthplace where he traced incidents and history of his early life.

The new constitution and by-laws were drawn up and read by Judge Cahill, chairman of the committee on revision and voted and adopted in sections by the society. Mr. William Lavin of Detroit delighted the audience by three fine vocal solos.

Thursday evening John P. Sanderson opened the meeting with a violin solo, followed by John E. Day who gave a paper on the solar compass invented by William A. Burt and presented to the society in the name of Mr. Burt's son, W. A. Burt of Detroit and grandchildren, an oil painting of this inventor. Through the efforts of George H. Cannon who accompanied Mr. Burt in many of these early surveys, the original compass itself was given to the society's museum. By request Mr. Lavin sang "Oft in the Stilly Night" accompanied on the piano by Mrs. Kate Marvin Kedzie. Mrs. Jane M. Kinney of Port Huron read a paper on "Old Baldoon." She exhibited several souvenirs connected with the Earl of Selkirk who was well known by her family. Mr. Lavin after his solo responded to repeated calls by singing "Sing Me to Sleep." Hon. William A. Norton of St. Johns delivered the last address of the session which was characteristically humerous. Mr. Lavin sang "The Last Rose of Summer." By request Mrs. Gilbert wearing an Indian blanket and holding in her arms the Indian cradle and doll, accompanied by her sister, sang "Sleep Baby Sleep" in the Indian tongue. She was presented by F. M. Cowles with a large bouquet of flowers. Remarks were made by E. G. Tucker of Three Rivers, John N. Bush, William Foster and others. The committee on nomination Col. L. H. Ives, Mason, Ex-Mayor Geo. W. Thayer, Grand Rapids and Mrs. M. B. Ferrey, Lansing, reported the following officers who were unanimously elected:

C. M. Burton, Detroit, President.

Daniel McCoy, Grand Rapids, Vice-President.

Henry R. Pattengill, Lansing, Secretary.

Benjamin F. Davis, Lansing, Treasurer.

Board of Trustees, Lawton T. Hemans, Mason; Mary C. Spencer, Lansing; Joseph Greusel, Detroit.

Committee of Historians, L. D. Watkins, Manchester; Judge Edward Cahill, Lansing; E. W. Barber, Jackson; Peter White, Marquette; Junius E. Beal, Ann Arbor.

After a solo by Mr. Lavin and the hymn "God Be With You" sung by society, the benediction was pronounced by Rev. William H. Haze of Lansing.

REPORT OF SECRETARY.

Lansing, June 26, 1907.

To the Officers and Members of the Michigan Pioneer and Historical Society:

The membership of this society will not be increased very rapidly if we cannot change the records of the past year wherein we welcomed twelve new members and added to the death roll thirteen. To our deep sorrow we have to record the deaths of Clement E. Weaver of Adrian, who was one of the oldest attorneys in the State. Thomas Mars of Berrien was quite prominent in pioneer, political and grange work throughout Michigan. He was a man who bore his years remarkably well and was familiar with early history of his State. Judge Albert E. Cowles met death by accident in Los Angeles, California. Just before his removal from the State he assisted in getting out a history of Ingham county. Judge George P. Wanty of Grand Rapids, prominent in legal circles, died in London, England, in July, 1906. Judge C. C. Fuller, pioneer newspaper man and lawyer of Big Rapids; Hon. Wm. C. McMillan, candidate for the position of United States Senator, so ably filled by his father; Dr. H. R. Mills, a genial physician at the Soldiers' Home; Henry Chamberlain the Octogenarian of Three Oaks gave us an autobiography published in Vol. XXXV and soon after joined the pioneers on the other shore. Gov. Aaron T. Bliss died at Milwaukee, Sept. 16, 1906. A memorial by his private Secretary Maj. Johnson will be embodied in a forthcoming volume. Mr. Charles E. Dewey of Cambridge, one of Lenawee's

oldest pioneers and very much interested in this society died Jan. 15, 1907. J. B. Wilson of Lapeer died at Washington, June 18, 1907. Mrs. O. Poppleton, whose husband's name appears frequently in our early books, died at Birmingham June 3, 1907. A memorial of Russell A. Alger, former Governor of Michigan and United States Senator, will have a place in Vol. XXXVI.

The new members added are: Arthur Hill, Saginaw; Mrs. Nellie A. Hammond, Williamston; Clarence A. Black, Detroit; Lucy Ball, Grand Rapids; Harry D. Hinckley, Fairgrove; Samuel H. Ranck, Grand Rapids; John N. Bagley, Detroit; Emeline E. Daniels, Lansing; George H. Saxton, Lansing; Mrs. Mary Saxton, Lansing; C. E. King, Ypsilanti; J. O. Woolson, Bay City.

Six of these were secured by the solicitation of Mrs. Florence S. Babbitt.

A mid-winter meeting was very successfully carried out at Grand Rapids. The Board of the Ryerson Library placed its pleasant and convenient auditorium at our disposal and Mr. Ranck, Librarian, spared no pains to assist in making it a success. Visits were paid to the Van Buren, St. Clair, Clinton, Ingham, and Washtenaw county pioneer meetings, and more complete and better co-operation urged. The Women's Clubs of the State have sent many interesting clippings and papers on historical matters. Pioneer Day was observed in many of the schools but more effort should be directed to making this custom general and universal. The Superintendent of Public Instruction announced over two hundred dollars raised towards a bust of John D. Pierce, first Superintendent of Public Instruction. It is hoped to secure this by each teacher in the State contributing ten cents.

The Museum has attracted more attention than ever and advertised our society and its aims as never accomplished before. The volumes were never in such demand and greater use is made of them educationally.

HENRY R. PATTENGILL,
Secretary.

REPORT OF THE TREASURER.

Annual report of the Treasurer of the Michigan Pioneer and Historical Society from June 1st, 1906, to the close of business, May 31st, 1907:

Cash on hand June 1st, 1906	$1,528 58
Received from membership	16 00
Received from State Treasurer May 6th	3,000 00
Received from State Treasurer May 11th	1,000 00
	$5,544 58

Disbursements.

Paid for salary office assistant	$324 00
Clerk	1,000 00
Incidentals, P. O. box, express, etc	73 45
Last payment to J. H. Edinger for Indian relics	575 00
Paid J. Sharpless Fox, editing manuscript	150 00
Paid Mrs. Fox copying	55 95
Paid J. F. Jameson copying manuscripts Carnegie Institute	384 07
Paid B. F. Stevens and Brown, London, England, copying Margry papers	500 00
Paid Mrs. Babbitt, china collection	815 00
Paid for board meetings	46 41
Paid museum exhibits and care	120 78
Paid annual and mid-winter meetings	108 58
Paid for publishing reprints, notices, etc	43 57
	$4,196 81
Receipts	5,544 58
Cash on hand June 1st, 1907	$1,347 77

$100 additional in Shoemaker Special Fund.

Respectfully submitted,

B. F. DAVIS,
Treasurer.

REPORT OF MID-WINTER MEETING.

Grand Rapids January 22 and 23, 1907

The mid-winter meeting was held in the lecture room of the Ryerson Public Library at Grand Rapids. January 22 and 23, 1907. The first session was called to order Tuesday afternoon at 2:30 o'clock and owing to the absence in Europe of the president. Mr. Burton, Hon. George W. Thayer was elected to preside. Prayer was offered by the Rev. Howard

B. Bard of Grand Rapids. A cordial and pleasant welcome from the city was extended by Hon. John Patton. Samuel H. Ranck, Librarian, spoke on "Our Guests," and Director H. E. Sargent from the Kent Museum extended "Greetings." The Secretary, H. R. Pattengill, fittingly responded. By request a paper prepared for the annual meeting by Hon. Daniel McCoy on "Old Fort St. Joseph," was read by Henry T. Heald. L. G. Stuart who was to lead the discussion said the ground had been so thoroughly covered and the location so completely proven by Mr. McCoy, that he could only express his pleasure in securing this important correction in historical records.

Mrs. F. A. Baldwin who was placed on the program introduced in her stead Mrs. Dwight Goss, who read a paper prepared by her husband on "Methods of securing information for local history."

At the opening of the evening session, 7:30, Prof. Frank A. Bacon of the history department of the Central High School, gave an address on "The Value of the Michigan Historical Collections." Mr. Pattengill spoke of the increased popularity and usefulness of these books after which Director A. H. Griffith, of the Detroit Art Museum delivered a fine stereopticon lecture on "The buried cities, Pompeii and Herculaneum." Mr. George H. Fitch, who operated the lantern, showed views of Grand Rapids country at an early date, and of some of the people who were to be mentioned in the papers of the next day.

Wednesday at 2:30 a paper on "Immigration" was given by Mrs. Herbert P. Belknap. In place of Miss Lucy Ball whose paper was postponed to the next annual meeting, Mrs. Thomas D. Gilbert gave a very interesting talk on her early life among the Indians of the State to whom her father, Rev. Abel Bingham, was one of the most popular and successful missionaries.

Mrs. Lucius Boltwood gave a carefully prepared sketch of Daniel Ball written by her father, Charles C. Comstock, a very prominent citizen of Grand Rapids.

Harvey Hollister interested the audience with his reminiscences of early Grand Rapids and particularly of Mr. Ball with whom he was closely connected.

Mr. J. S. Hooker of Lowell, gave a sketch of his father who was one of the first settlers of Kent county, and of Daniel Marsac who came to the Grand River Valley at an early day.

Mrs. Jane M. Kinney of Port Huron presented two portraits of Hon. William Alden Smith to the historical societies of Grand Rapids and the State.

Mrs. Mary M. Hoyt of Kalamazoo was called upon and related the connection of the Slater family with Grand Rapids, he having been the first postmaster. Hon. L. D. Watkins and Hon. Junius E. Beale spoke gratefully of the interest shown by the citizens of Grand Rapids in the meetings and the encouragement and success which this helped to ensure.

HENRY R. PATTENGILL,
Secretary.

AMENDED ARTICLES OF ASSOCIATION OF THE MICHIGAN PIONEER AND HISTORICAL SOCIETY.

The Michigan Pioneer and Historical Society, an association heretofore formed under the provisions of Act number 156 of the session laws of 1873 entitled "An act for the Incorporation of State, County or Municipal Historical, Biographical and Geographical Societies," approved April 25th, 1873, being desirous of re-incorporation under said Act as amended by Act number 99 of the session laws of 1895, approved April 26th, 1895, declares as follows:

ART. I.

The name of this association shall be the Michigan Pioneer and Historical Society.

ART. II.

The officers shall be a President, a Vice-president, a Secretary, a Treasurer and a Board of Trustees, consisting of the president and three members and a Committee of Historians, to consist of five members, all of whom shall be elected at the annual meeting and shall serve until their successors are elected and qualified.

ART. III.

The object of this society shall be to collect and preserve in permanent form the recollections and records of pioneer life and achievement in the region which is now Michigan, including such traditions as exist only in the memories of aged persons; to collect and preserve such manuscripts, genealogies, books and other printed publications, maps, plans, pictures, curiosities and antiquities of every kind as may be connected with or may illustrate the history of Michigan from the earliest times; to encourage historical and antiquarian investigations and to disseminate historical information.

ART. IV.

The property of this association shall not exceed One Hundred Thousand ($100,000) Dollars.

ART. V.

This association shall embrace, as territorial limits, the State of Michigan.

ART. VI.

The annual meetings of this society shall be held at Lansing in the month of June at such times as the Board of Trustees shall appoint, at which annual meeting the president, secretary and treasurer shall each present written reports, and any general business may be transacted. Special meetings may be called as the by-laws shall provide. Ten members shall constitute a quorum, but in the absence of a quorum three members may adjourn to a day certain.

ART. VII.

The society shall consist of active, corresponding and honorary members. Any citizen of Michigan of good repute may become an active member of this society on subscribing to the articles of association and on payment of One ($1) Dollar. All active members in good standing shall be entitled to vote and to hold office.

Corresponding and honorary members shall be elected to membership, as herein provided, and shall not be subject to any admission fees or dues. Honorary members shall be persons who have rendered important public service to the State of Michigan or to the cause of historical inquiry or general learning. Every nomination for the election of corresponding or honorary members shall be based upon the application in writing of at least two active members stating the reasons for such nomination and the qualifications of the persons proposed for membership, and such applications shall be referred to the Committee of Historians, and upon a favorable report of such Committee being submitted, a vote shall be taken by the society upon the person whose election is applied for, and two-thirds of the members present at any meeting shall be required for election to such membership.

ART. VIII.

The property, affairs and business of the society shall be under the general charge and management of the Board of Trustees subject only to the articles of association and by-laws of the society.

ART. IX.

The society may make such by-laws and regulations, not inconsistent with its articles and the laws of this State, as may be necessary to promote the efficiency of the organization.

These amended articles of association have been adopted by a majority vote of all the members of said society present at the annual meeting of said society held at Lansing, Michigan, on the 26th and 27th days of June 1907, and the said association has caused these amended articles to be signed by not less than five of its members and certified by its president and secretary.

EDWARD CAHILL.
L. H. IVES.
GEO. W. THAYER.
E. G. TUCKER.
L. D. WATKINS.
CLARENCE M. BURTON.
JOHN E. DAY.

The foregoing Amended Articles of Association of the Michigan Pioneer and Historical Society are hereby approved.

Dated July, 1907.

HENRY R. PATTENGILL,
Secretary.
LAWTON T. HEMANS,
Board of Trustees.

BY-LAWS OF THE MICHIGAN PIONEER AND HISTORICAL SOCIETY.

SECTION. 1. The president shall preside at all meetings of the society. He shall be *ex officio* chairman of the Board of Trustees and shall perform such other duties as pertain to the office of president of such societies.

SEC. 2. The vice-president, in the absence or disability of the president, shall perform the duties of the president, except as herein otherwise provided.

SEC. 3. The secretary or in case of his absence or disability the assistant secretary, shall keep a record of all proceedings of the society and of the Board of Trustees, in books to be provided for that purpose, and shall conduct all correspondence of the society; he shall record the articles of association in a book in which record each member's name shall

be entered with place and date of birth, place and date of first residence in Michigan, present residence, with a blank for place and date of death, which blank shall be filled out by the secretary at the decease of any member. He shall, under the direction of the Board of Trustees, have the immediate custody of all the books, papers, documents, property and effects of the society and shall cause the same to be properly listed and catalogued in books prepared for that purpose, which shall be indexed. He shall draw warrants on the treasurer for the payment of properly audited accounts and shall take and preserve proper vouchers therefor and perform such other duties as may be required by the Board of Trustees or by-laws.

SEC. 4. The treasurer shall have the custody of all monies and funds of the society. He shall keep an account of all receipts and disbursements and make report thereof at each annual meeting and when required so to do by the Board of Trustees. If required by the Board he shall give bonds in such amount and with such sureties as the Board shall require.

SEC. 5. At any meeting of the Board of Trustees the secretary may make a requisition for such a sum of money as he shall estimate will be needed to meet the current bills for the six months next ensuing and present the same, together with the items of his estimate to the Board of Trustees and said Board may authorize the secretary to draw a warrant upon the treasurer for such an amount of money as in the judgment of the Board will be needed to pay current bills. *Provided,* no second requisition shall be made until satisfactory vouchers for the expenditures of the first shall have been submitted to and approved by the Board. The Board of Trustees may also authorize the treasurer to pay on monthly vouchers, duly certified by the secretary, the salary of all employees which have been authorized by the Board of Trustees by resolution duly entered of record and certified to the treasurer. Except as above provided the treasurer shall pay no money out of the treasury except upon the express order of the Board of Trustees duly certified by the chairman and secretary.

SEC. 6. The Board of Trustees shall meet annually on the first day appointed for the annual meeting of the society and at such other times as the Board shall deem expedient. It shall select all employees and fix their compensation. It may elect one of its members chairman to act in the absence or disability of the president. It shall designate the time of holding the annual meeting and cause at least fifteen days notice thereof to be given in the newspapers of the state having a general cir-

culation therein, and may call such extra meetings of the society at such time and place as the Board may deem advisable on giving like notice.

SEC. 7. Vacancies in the office of president, secretary, treasurer or Board of Trustees may be filled until the next annual meeting by the Board of Trustees.

SEC. 8. The Committee of Historians shall prepare the programs for the public meetings and arrange for the reading of papers. It shall have charge of the publication of the papers of the society, *Provided*, no paper shall be published unless authorized by a two-thirds vote of the Board of Trustees and Committee of Historians sitting in joint meeting.

The Committee of Historians may call upon the secretary for assistance in the performance of its duties.

SEC. 9. The Board of Trustees may authorize the president to appoint additional committees, whose duties shall be defined by the resolution authorizing such appointment.

SEC. 10. Any local or county Pioneer and Historical Society may elect one of its members to the office of honorary vice-president of this society and upon the filing of his credentials with the secretary the person so elected shall be recognized as entitled to such position and the president may call upon such honorary vice-presidents at his discretion to preside at any meeting of the society or to perform such other duties as he may designate. The vice-presidents so appointed are expected to be active in their various localities and counties in promoting the object of this society.

SEC. 11. These by-laws may be amended by the vote of a majority of the Board of Trustees at any regular meeting, *Provided,* not less than twenty days' notice shall be given to each member of the Board before such amendment shall be acted upon.

Hon. Peter White

Died at Detroit

June sixth

Nineteen hundred eight

RESOLUTION OF THE MICHIGAN PIONEER AND HISTORICAL SOCIETY ON THE DEATH OF PETER WHITE OF MARQUETTE.

Departed this life at Detroit, June 6, 1908, the Hon. Peter White of Marquette; member of the Michigan Pioneer and Historical Society from its organization; former vice president, and for many years a member of the Committee of Historians.

The board of trustees of the Michigan Pioneer and Historical Society, convened in special meeting, remembering the high character and abilities of the Hon. Peter White, his great public spirit, his standing as one of the foremost of our citizens, his courage as a pioneer in the earliest settlement of the iron region of Michigan, and his profound interest in the subject of history—places on record its sorrow at his death and its sense of the great loss this commonwealth has sustained thereby.

Mr. White's activities were widespread and comprehensive; he excelled in many things and not least in the liberal scope of his mind and intellect. Indefatigable in the pursuit of knowledge, and with an intuitive perception of the worth of historical material lying at hand—he has enriched our archives with invaluable annals. Possessed of fine literary talent his writings are marked by spirited characterization, and the same engaging sprightliness and humor which made him notable in public or private gatherings.

A frequent contributor to the published volumes of the Michigan Pioneer and Historical Society, often quoted or referred to by other writers—the indexes to these many volumes bear sufficient testimony to Peter White's industry and his position as an authority on the subjects he discussed.

Considering his busy life, the wide reach and absorbing nature of his private affairs, his official duties, and his attention to the public matters of his time, local, state and general—it is surprising to note how prolific his pen has been.

We express the gratitude of this society for his long years of unselfish labor in its behalf, and to mention only those articles which pertain to the discovery, the development and the growth of iron mining in Michigan—we feel that posterity will also acknowledge its indebtedness to Peter White for the study he devoted to the preparation of the papers on the "Iron Region of Lake Superior", "The Iron Industry", and "Paper Money in the Iron Country", contained in volumes VII, VIII and XXXV, of the publications of our society.

PROCLAMATION OF 1763.[1]

BY THE KING.

George R.

WHEREAS We have taken into Our Royal Consideration the extensive and valuable Acquisitions in America, secured to our Crown by the late Definitive Treaty of Peace concluded at Paris, the 10th Day of February last; and being desirous that all Our loving Subjects, as well of our Kingdom as of our Colonies in America, may avail themselves with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation, We have thought fit, with the Advice of our Privy Council, to issue this our Royal Proclamation, hereby to publish and declare to all our loving Subjects, that we have, with the Advice of our Said Privy Council, granted our Letters Patent, under our Great seal of Great Britian, to erect, within the countries and Islands ceded and confirmed to Us by the said Treaty, Four distinct and separate Governments, styled and called by the names of Quebec, East Florida, West Florida and Grenada, and limited and bounded as follows, viz:

First—The Government of Quebec bounded on the Labrador Coast by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake St. John, to the South end of the Lake Nipissim; from whence the said Line, crossing the River St. Lawrence, and the Lake Champlain, in 45. Degrees of North Latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs, and the Coast of the Gulph of St. Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River St. Lawrence by the West End of the Island of Anticosti, terminates at the aforesaid River of St. John.

Secondly—The Government of East Florida, bounded to the Westward by the Gulph of Mexico and the Apalachicola River; to the Northward by a Line drawn from that part of the said River where the Chatahouchee and Flint Rivers meet, to the source of St. Mary's River, and by the

[1]Reprinted from Canadian Archives *Report*, 1906, p. 119.

course of the said River to the Atlantic Ocean; and to the Eastward and Southward by the Atlantic Ocean and the Gulph of Florida, including all Islands within Six Leagues of the Sea coast.

Thirdly—The Government of West Florida, bounded to the Southward by the Gulph of Mexico, including all Islands within Six Leagues of the Coast, from the River Apalachicola to Lake Pontchartrain; to the Westward by the said Lake, the Lake Maurepas, and the River Mississippi; to the Northward by a Line drawn due East from that part of the River Mississippi which lies in 31 Degrees North Latitude, to the River Apalachicola or Chatahouchee; and to the Eastward by the said River.

Fourthly—The Government of Grenada, comprehending the Island of that name, together with the Grenadines, and the Islands of Dominico, St. Vincent's and Tobago.

And to the end that the open and free Fishery of our Subjects may be extended to and carried on upon the Coast of Labrador, and the adjacent Islands, We have thought fit, the advice of our said Privy Council, to put all that Coast, from the River St. John's to Hudson's streights, together with the Islands of Anticosti and Madelaine, and all other smaller Islands lying upon the said Coast, under the care and Inspection of our Governor of Newfoundland.

We have also, with the advice of our Privy Council, thought fit to annex the Islands of St. John's and Cape Breton, or Isle Royale, with the lesser Islands adjacent thereto, to our Government of Nova Scotia.

We have also, with the advice of our Privy Council aforesaid, annexed to our Province of Georgia all the Lands lying between the Rivers Alatamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling our said new Governments, that our loving subjects should be informed of our Paternal care, for the security of the Liberties and Properties of those who are and shall become Inhabitants thereof, We have thought fit to publish and declare by this Our Proclamation, that We have, in the Letters Patent under our Great Seal of Great Britain, by which the said Governments are constituted, given express Power and Direction to our Governors of our Said Colonies respectively, that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of our Council, summon and call General Assemblies within the said Governments respectively, in such Manner and Form as is used and directed in those Colonies and Provinces in America which are under our immediate Government; and We have also given Power to the said Governors, with the consent of our Said Councils, and the Representatives of the People so to be summoned as

aforesaid, to make, constitute, and ordain Laws, Statutes, and Ordinances for the Public Peace, Welfare, and good Government of our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions as are used in other Colonies; and in the mean Time, and until such Assemblies can be called as aforesaid, all Persons Inhabiting in or resorting to our Said Colonies may confide in our Royal Protection for the Enjoyment of the Benefit of the Laws of our Realm of England; for which Purpose We have given Power under our Great Seal to the Governors of our said Colonies respectively to erect and constitute, with the Advice of our said Councils respectively, Courts of Judicature and public Justice within our Said Colonies for hearing and determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentences of such Courts, in all Civil Cases, to appeal, under the usual Limitations and Restrictions, to Us in our Privy Council.

We have also thought fit, with the advice of our Privy Council as aforesaid, to give unto the Governors and Councils of our said Three new Colonies, upon the Continent full Power and Authority to settle and agree with the Inhabitants of our said new Colonies or with any other Persons who shall resort thereto, for such Lands, Tenements and Hereditaments, as are now or hereafter shall be in our Power to dispose of; and them to grant to any such Person or Persons upon such Terms, and under such moderate Quit-Rents, Services and Acknowledgments, as have been appointed and settled in our other Colonies, and under such other Conditions as shall appear to us to be necessary and expedient for the Advantage of the Grantees, and the Improvement and settlement of our said Colonies.

And Whereas, We are desirous, upon all occasions, to testify our Royal Sense and Approbation of the Conduct and bravery of the Officers and Soldiers of our Armies, and to reward the same, We do hereby command and impower our Governors of our said Three new Colonies, and all other our Governors of our several Provinces on the Continent of North America, to grant without Fee or Reward, to such reduced Officers as have served in North America during the late War, and to such Private Soldiers as have been or shall be disbanded in America, and are actually residing there, and shall personally apply for the same, the following Quantities of Lands, subject, at the Expiration of Ten Years, to the same Quit-Rents as other Lands are subject to in the Province within

which they are granted, as also subject to the same Conditions of Cultivation and Improvement; viz:

To every person having the Rank of a Field Officer	5,000 Acres.
To every Captain	3,000 Acres.
To every Subaltern or Staff Officer	2,000 Acres.
To every Non-Commission Officer	200 Acres.
To every Private Man	50 Acres.

We do likewise authorize and require the Governors and Commanders in Chief of all our said Colonies upon the Continent of North America to grant the like Quantities of Land, and upon the same conditions, to such reduced Officers of our Navy of like Rank as served on Board our Ships of War in North America at the times of the Reduction of Louisbourg and Quebec in the late War, and who shall personally apply to our respective Governors for such Grants.

And Whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds—We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure, that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also that no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three Governments, or with the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources

of the Rivers which fall into the Sea from the West and North West as aforesaid;

And We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial leave and Licence for that Purpose first obtained.

And, We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described, or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of our Interests, and to the great Dissatisfaction of the said Indians; In order, therefore, to prevent such Irregularities for the future, and to the end that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of our Privy Council strictly enjoin and require, that no private Person do presume to make any Purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where, We have thought proper to allow Settlement; but that, if at any Time any of the said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie; and in case they shall lie within the limits of any Proprietary Government, they shall be purchased only for the Use and in the name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for that Purpose; And We do, by the Advice of our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever, provided that every Person who may incline to Trade with the said Indians do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of Our Colonies respectively where such Person shall reside, and also give Security to observe such Regulations as We shall at any Time think fit, by ourselves or by our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade:

And we do hereby authorize, enjoin, and require the Governors and

Commanders in Chief of all our Colonies respectively, as well those under Our immediate Government as those under the Government and Direction of Proprietaries, to grant such Licences without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited in case the Person to whom the same is granted shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all Officers whatever, as well Military as those Employed in the Management and Direction of Indian Affairs, within the Territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all Persons whatever, who standing charged with Treason, Misprisions of Treason, Murders, or other Felonies or Misdemeanors, shall fly from Justice and take Refuge in the said Territory, and to send them under a proper guard to the Colony where the Crime was committed of which they stand accused, in order to take their Trial for the same.

Given at our Court at St. James's the 7th Day of October 1763, in the Third Year of our Reign.

GOD SAVE THE KING

THE GENESIS OF THE PROCLAMATION OF 1763.[1]

By

CLARENCE WALWORTH ALVORD.

The end of an era, the beginning of an era: such is the significance of the year 1763. By the Treaty of Paris, France acknowledged England's right to all the territory east of the Mississippi River, and half a century of conflict for the most fertile valley of the world was ended. France had withdrawn from America. The new era was one of readjustment made necessary by England's undisputed possession of the territory stretching westward to the Mississippi. What policy should be pursued in the control of this vast domain? The Treaty of Paris was signed on February 10th. A few months later the policy had been determined. On October 7th the king of England issued a proclamation concerning the organization and the management of this territory. Although conceived in haste, in parts carelessly written, and superficially examined, yet the proclamation is one of the important state papers of the 18th century. It stands at the beginning of that new era, which was to see the reorganization of Canada under the new government, the separation of the American colonies from the mother country, the occupation of the West by Anglo-Saxons. On the history of each of these events, the proclamation had its influence. Therefore a new and careful consideration of the causes which called it forth and of the motives of its framers needs no apology. This examination is now made possible and fruitful by the recent publication of the most important documents bearing on the subject by Dr. Arthur G. Doughty and Professor Adam Shortt in the last *Report* of the Canadian Archives.

The title of this paper is almost self explanatory. It is my intention to trace to their sources the elements of the proclamation and, as far as possible, discover the motives and purposes of the men who are responsible for its form. Although it may become necessary to examine events subsequent to the year 1763, it does not lie within the scope of this paper to discuss the consequences of the proclamation or any legal establishments which arose from it. Furthermore, I am not called upon to criticise the policy announced, or in any way to judge whether that policy

[1]Read before the Michigan Pioneer and Historical Society, December 13, 1907

was just or unjust, expedient or inexpedient, efficient or inefficient. My sole interest centers in the question: How and why did it come into being?

This purpose will be best served by first analyzing into its component parts the proclamation itself in order that we may have a clear conception of the problem before us.[2]

After the preamble, the proclamation passes to the announcement of the confines of four new provinces which have been established, those of Quebec, East and West Florida, and Grenada. The first included the valley of the St. Lawrence River to the point where the forty-fifth parallel crossed, whence the western boundary line was drawn to lake Nipissing. Its southern boundary was formed by the northern limits of the older colonies and its northern boundary did not extend to the territory of the Hudson Bay Company.[3] The Floridas were bounded on the north by the thirty-first parallel. There follow this announcement three clauses announcing certain additions to the provinces of Newfoundland, Nova Scotia, and Georgia.

One of the most momentous clauses is the next. It declares the policy which is to be followed in the new provinces. As soon as the conditions permit the governors shall summon assemblies of representatives, which shall have power with the governors and councils to "ordain laws, Statutes, and Ordinances for the Public Peace, Welfare, and good Government of our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the laws of England." Meanwhile all persons inhabiting or immigrating into the provinces are assured of the royal protection for the enjoyment of the benefit of the laws of England; for which purpose the governors are empowered with the advice of their councils to constitute law courts.

For the encouragement of immigration, the power of making grants of land was given to the governors, and particular provisions were made for landgrants to the reduced officers and private soldiers who had served in America during the late war; and another clause was added to provide for the reduced officers of the navy who served at the time of the reduction of Louisburg and Quebec.

The last provision of the proclamation concerned the Indians, and in brief is as follows: All the territory not included within any of the new provinces or within the land of the Hudson Bay Company, and lying west of the Alleghanies, was reserved for the Indians, "for the

[2]The Proclamation is printed in Can. Archives *Report*, 1906, p. 119; also in Houston, *Constitutional Documents of Canada*, 67.

[3]See map in Howard, *Preliminaries of the Revolution*, in *American Nation*, 4.

present". For the better protection of this reservation, no governor or commander-in-chief was permitted to make land grants beyond the designated limits. Of the same general character is the prohibition of the purchase of land from the Indians by private persons, but land might be purchased by the crown within the boundaries of the settlements. Within the reserved region the trade with the Indians should be free to all who should take out a license from the governor or the commander-in-chief, and give security for the obedience to future regulations. In order to protect this reservation from undesirable tenants, all military officers and Indian agents were empowered to arrest those charged with crime, and convey them to the province wherein the crime had been committed.

The analysis of the proclamation shows that it contained, beside minor provisions, three important announcements. These were the delimitation of the new provinces, the provisions made for the encouragement of immigration into the same, and the new policy concerning Indian affairs. This is the order of succession chosen by the ministry for these announcements; but it is not the historical order of their incorporation in the proclamation; for the first thought of the framers was to allay the alarms of the Indians, and the articles, concerned with Indian relations, form the core of the document and of its policy. As the idea of the proclamation grew, the ministry realized that it offered a convenient vehicle for the announcement of decisions which had been reached on several other matters. More articles were therefore added, but by the fact of their addition both the earlier and later ones were influenced in wording and intent. Therefore we shall reach a truer interpretation of the intended policy if we follow the historical order rather than the accidental and artificial one of the proclamation.

For the sake of simplicity of discussion, we shall consider the occasion and immediate purpose of the proclamation first and then the more complex question of the fundamental purposes. It is not difficult to establish the immediate motive, since the writers have openly declared it in their correspondence, and in the document itself. In a letter to the king on August 5, 1763, the Lords of Trade proposed, "that a Proclamation be immediately issued by Your Majesty as well on Account of the late Complaints of the Indians, and the actual Disturbances in Consequence, as of Your Majesty's fixed determination to permit no grant of lands nor any settlements to be made within certain fixed Bounds, ... leaving all that Territory within it free for the hunting Grounds of those Indian Nations Subjects of your Majesty."[4] The proclamation itself adds to

[4]Can. Archives *Report*, 1906, p. 111.

this another design, namely, the prevention of frauds in purchasing lands within the parts of the provinces not reserved for the Indians. The only immediate reason for this part of the proclamation, therefore,—and this is its heart—was to quiet the Indians.[5] In spite of later assertions, of which I shall have occasion to speak, there is no contemporary evidence of a consideration of other purposes than these mentioned above. In these there was, at the time, an all sufficient motive. During the previous war it had become apparent that the Indians feared the English far more than the French because of the continual encroachment of the former on their hunting grounds. After the treaty of peace, the hostility of the Indians from this same cause continued, and soon broke out in the war which has been called the "Conspiracy of Pontiac". The news of the Indian uprising reached England in the first days of August.[6] It was on the 5th of August, after the arrival of the news, that the Board of Trade proposed to issue a proclamation to assure the Indians of the government's protection of their hunting grounds, which declaration, it was hoped, would bring the uprising to an end. Before the end of September more complete news of the seizure of the western forts by the Indians was received in a letter from Sir William Johnson. The need of action became pressing, and on the 7th of October the proclamation was issued.[7]

The first idea of issuing a proclamation, therefore, arose out of the difficulties with the Indians, and this part was framed to meet an immediate and sudden need. Since final action was taken in haste, it is not surprising that all phases of the policy announced were not fully matured, and many purposes were undeclared. Yet in spite of this haste and of the many silences, it would be a mistake to regard this enunciated policy as essentially new, and as previously uncontemplated. The contrary is true, for it is possible to trace the gradual development of many of the principles of the proclamation through the preceding years. The study of the evolution of these will enable us to understand better the purposes of the proclamation. To do this it is necessary to go back to the beginning of the French and Indian War, to the time when the British

[5]The preamble, which assigns another motive, does not belong to this part of the proclamation.

[6]Lord Egremont had certainly received General Amherst's letter of June 11th and 27th before the 13th of August. *N. Y. Col. Doc.* VII., 540; and the letter of the Board of Trade of August 5th seems to indicate that some news of the Indian attacks had already reached England by that date. Can. Archives *Report*, 1906, p. 111.

[7]*N. Y. Col. Doc.*, VII., 567. On March 17, 1768, the Lords of the Trade in a letter to Lord Hillsborough assign the same reason for issuing the proclamation. Ibid., VIII., 20.

ministry first admitted the inevitableness of the struggle with France for America.

During the previous generation the government had given little heed to American affairs. The Board of Trade, which conducted the correspondence on colonial subjects, had become lifeless, papers of importance were hardly read, and if read, hardly heeded. The war known as King George's War had called attention, once more, to the colonies, and the period of peace that followed saw the revival of activities in the Board of Trade under the administration of Lord Halifax.[8] This revival was partly due to the personal ambition of the president;[9] but the power and influence which the board exercised in shaping the colonial policy of Great Britain from the middle of the eighteenth century must be accredited far more to the increasing importance attached to American conditions by the mother country. From the close of King George's War till 1768, the Board of Trade became more and more a vital part of the administrative machinery, and its correspondence was the principal source of information on colonial affairs. The ministry was obliged to recognize the increased importance of the business of this commission, first by admitting its presidents to the ministry, and finally by creating the office of secretary for the colonies. Since Lord Halifax happened to be the president of the Board of Trade at the beginning of this period of awakened interest in American affairs, he was the one to make the first attempt to formulate an Indian policy.

With the approach of the French and Indian War, the Indian question was forced on the attention of the ministry. Men, both in the colonies and the mother country, realized that there was some fundamental error in the management of the natives, for these turned from the English to ally themselves with the French, giving the latter a great advantage in the war of the western forests. England had allowed, up to this time, each of the colonies to manage its own relations with the Indians, with the result that there was rivalry to secure trade advantages, indifference to rights of other colonies, irregularities in dealings with the tribes, a total lack of unity in policy, and consequently a failure to hold the Indians in friendship, made all the more evident by the success of the centralized system of the French.

This was the problem which the Board of Trade undertook to solve in 1754. For this purpose they called in that year the famous congress of delegates at Albany. Since the influence of the deliberations of that

[8]Dickerson, *The British Board of Trade*, MS. Thesis in library of University of Illinois; Kellogg, *The American Colonial Charter*, 219.
[9]Ibid., 222; Dickerson, *The British Board of Trade*, 19.

assembly was not evident till some years later, I shall not take the time now to discuss the plan which was formed. Before any news from the Albany congress could reach England, the Lords of Trade themselves undertook to make certain proposals concerning the management of Indian affairs. The report of August 9, 1754, reveals the prevailing conception of the problem in ministerial circles of the time, and must be the starting point in tracing the history of the principles of the Proclamation of 1763.[10]

The general purpose of the Board of Trade was to stop the encroachments of the French upon territory claimed by the English. Certain establishments were proposed, among which only one is germain to the present discussion; namely, putting the management of the Indians under one superintendent. The only suggestion in regard to conciliating the Indians was that of giving extraordinary presents.[11] It is evident that the Board of Trade was very far from the principles which were announced in 1763. In fact, the commissioners appear to be ignorant of the main causes of the Indian hostility. They were to be instructed very shortly by receiving an account of the conference between the Indians and the Albany Congress.[12] From this, and by reference to previous letters, it was learned that the chief grievance of the Indians arose from the fraudulent purchases of their land and the mismanagement of the trade. With this new information the Board re-enforced its previous recommendation of the appointment of a superintendent of Indians. This meant the transference of the control of Indian political affairs from the colonies to the British government. The Board was not ready to recommend similar action in the matter of land purchases, but directed that the complaints of the Indians should be examined by the governor of New York.[13] Such a policy was entirely inadequate, since the men interested in the fraudulent purchases were the most influential men in the colony.

The consequences of this representation was the appointment of Sir William Johnson as superintendent of Indian affairs. From now on there was no dearth of information concerning the Indians; for besides the letters from Johnson, the Board of Trade received in answer to its inquiries communications from governors and others. The most important and comprehensive of these communications is the report on Indian

[10]This point of departure is chosen rather than an earlier one because a consecutive development from this time can be traced. See Kingsford, *History of Canada*, V., 135 *et seq.* for an excellent summary of Indian relations.

[11]*N. Y. Col. Doc.* VI., 903 *et seq.*

[12]Ibid., 916 *et seq.* The congress has made especial provision that no report of its conferences should be sent to England, nevertheless by October 29, 1754, the Board of Trade had a full knowledge of the proceedings. Beer, *British Colonial Policy, 1754-1765*, p. 22.

[13]*N. Y. Col. Doc.* VI., 916.

affairs drawn up by Johnson's secretary, Wraxall, on January 9, 1756.[14] This is unquestionably the ablest and best paper on the Indian question written during this period, in spite of the author's partiality to Sir William Johnson; and its influence may be traced in all later communications and in the final construction of a definite policy. The communication is chiefly concerned with the actual management of Indian relations and trade, and appears, with some changes and additions, in the definite plan of the Board of Trade which was drawn up after the proclamation of 1763, but which was never put into execution. Of this I shall have more to say at a later time. What concerns us now is the recommendation concerning Indian lands. In section three of the communication is the following article;[15] "That the Indians be remedied and satisfied with regard to their complaints about their lands .... and that no Patents for lands be hereafter Granted but for such as shall be bought in the presence of the superintendent at public meetings and the sale recorded by the Maty's Secry for Indian affairs." In the course of the narrative several purchases and grants were mentioned which were particularly objectionable to the Indians. Among these were certain notorious purchases in New York, the grant of land on the Ohio made by the British government to the Ohio company, and the various patents to land given in the same region by the governor of Virginia.

Another dispute which arose at this time called the attention of the Board of Trade more directly to the Indians' objections to settlements upon the Ohio; namely, the disagreement concerning the purchase by the colony of Pennsylvania of the land extending to the westernmost boundary of the colony. This meant western expansion, and the Delaware Indians were particularly aroused.[16] The feeling of the Indians at this time is learned from the deposition of a white woman who had been a prisoner among them. She testified that, "she often heard the Indians say and declare most solemnly they never would leave off killing the English as long as there was an Englishman living on their lands."[17] It was through the communications concerning such disputes that the Lords of Trade first apprehended the true import of the Indian problem.

The first definite step to appease the Indians was taken by the colony of Pennsylvania, which promised at the Treaty of Easton in 1758 not

[14] *N. Y. Col. Doc.*, VII., 15.
[15] No. 7.
[16] See the communications in regard to the purchase in *N. Y. Col. Doc.* VIII., 329 *et seq.*
[17] *N. Y. Col. Doc.* VII., 331.

to make any settlements west of the Alleghanies.[18] This treaty was approved and confirmed by the British ministry, and such confirmation was interpreted by Colonel Bouquet, who was in command at Fort Pitt, as prohibiting settlers from other colonies making settlements in the region without permission.[19]

The Lords of Trade had thus tentatively accepted the line of the Alleghanies as separating the hunting grounds of the Indians from the settlements; but they also acknowledged that certain rights to lands beyond this boundary were held by white men, so that the line was regarded as only temporary until further adjustments with the Indians could be made. The Board of Trade, as a matter of fact, had not formulated a definite and comprehensive Indian policy at this time; for we read in their report of June 1, 1759, on the petition of Franklin in behalf of Pennsylvania, the following:[20] "By the success of His Magisty's Arms in the late expedition against Fort du Quesne, a great and valuable part of the Country included in the Deeds of 1701, and 1726, have been recovered to the Dominion of the Crown of Great Britain. As no circumstances relative to this event, and of the negotiations with the Indians in consequence of it, have been communicated to Us; we cannot take upon Us to say what measures it may be proper to pursue to secure the Dominion of this part of His Magisty's territories and fix the Indians in Our Interest; but We have thought it proper to trouble your Lordship with this narrative of Facts, in order to show, how dangerous it may be to make Grants and Settlements of Indian lands Which have been ceded for Protection and not Settlement, especially when all the Political advantages of such Cession may be obtained without such Settlements."

The Board of Trade, under the presidency of Lord Halifax, did not go beyond this general recommendation of a policy of protection of the

[18]Can. Archives *Report*, 1889, pp. 72 *et seq.; Doc. Hist. of N. Y.* II., 775, 783. Up to the present time I have been unable to find copies either of the minutes of this act or its confirmation by the ministry, but the above references amply prove the fact.

[19]On October 13, 1761, Bouquet issued the following proclamation: "Whereas by a Treaty held at East Town in the year 1758, and since ratified by His Majesty's Ministers, the Country to the West of the Allegany Mountains is allowed to the Indians for their Hunting Grounds, and as it is of the Highest Importance to his Majesty's service, the preservation of the peace and a good understanding with the Indians, to avoid giving them any just cause of Complaint, this is therefore to forbid any of His Majesty's subjects to Settle or Hunt to the West of the Allegany Mountains on any Pretence Whatsoever, unless such Persons have obtained leave in Writing from the General or the Governor of their Provinces, Respectively and produce the same to the commanding officer at Fort Pitt."

The proclamation of Bouquet occasioned some protest from persons who had received titles to land in the vicinity either from the crown or governors, and Bouquet wrote in answer that such persons must obtain permission to settle from the commander in chief, and that as soon as the conditions allowed it, he would give all such settlers his protection. Can. Archives *Report*, 1889, pp. 73. 75.

[20]*Doc. Hist. of N. Y.*, II., 772-790.

Indian land against settlers. The ratification of the Treaty of Easton was simply an application of this principle. In spite of Johnson's assertion that boundaries between the several colonies and the Indians should be established.[21] the commissioners took no steps to bring about that result. In fact they were of the opinion that settlements on the frontier should be promoted provided the Indians were not defrauded.[22] On account of this attitude of the Board of Trade, General Amherst and Lieut.-Governor Colden of New York made preparations for western expansion on the Mohawk valley and elsewhere.[23] Their action brought matters to an issue and called out the definite statement of another policy; but this was the work of a new minister.

On March 21, 1761, Lord Halifax resigned the presidency of the Board of Trade. He was always a seeker after personal power and under his administration the Board of Trade had acquired a practically complete control of colonial affairs. At the beginning of his presidency, the British ministry knew little about the relations with the Indians or of the causes of the failure to keep them attached to the British cause. Halifax had been diligent in the collection of information on a subject which had become so important on account of the war. He had brought under the control of the British government the political relations with the Indians, and a superintendent had been appointed. He failed, however, to prevent the particular grievance which caused the hostility of the Indians, namely, the illegal occupation of their lands. His recommendations were too weak, too general in scope, to accomplish this purpose. He failed to find a policy which would at the same time satisfy and reassure the Indians and permit the expansion westward which he desired.[24]

Just before the resignation of Halifax, the power and influence of the Board of Trade was reduced by taking away its control of the patronage.[25] Over this emasculated committee Lord Sandys was placed as president. It is hardly probable, although possible, that any new policy would be originated by the weakened Board of Trade under such a leader.[26] The new policy, which was announced in 1761, may be regarded with some certainty as Lord Egremont's, who became secretary of state for the southern department, October 9, 1761. This office shared with the Board of Trade the control of the colonies.[27]

[21] *Doc. Hist. of N. Y.*, II., 781.
[22] *N. Y. Col. Doc.*, VII., 437.
[23] Ibid., 455.
[24] Fitzmaurice, *Life of Shelburne*, I., 240; Dickerson, *British Board of Trade.*
[25] On March 15, 1761. *N. Y. Col. Doc.* VII., 459.
[26] Walpole, *Letters*, V., 36; Dickerson, *British Board of Trade*, 24.
[27] For relation of this secretary and the Board of Trade see Kellogg, *Amer. Colonial Charter*, 225.

Lord Egremont, although a man of small ability, was fond of asserting his opinions and was desirous of equalling Pitt in the administration of his office.[28] His is probably the influence to be seen in the report of the Board of Trade of November 11th on the very question of settling the Mohawk valley, concerning which Lord Halifax had taken such undecided action. The report called the policy advocated a new one, different from that followed by the commissioners hitherto, which was now considered as dangerous to the security and interests of the people. The essence of this "new policy" is contained in the following sentences: "The granting lands hitherto unsettled and establishing Colonies upon the Frontiers before the claims of the Indians are ascertained appears to be a measure of the most dangerous tendency." This they think should be stopped, "until the Event of the War is determined and such Measures taken thereupon, with respect to our Indian Allies as shall be thought expedient."[29] The report was referred to the committee of the council for plantation affairs, where it was confirmed, and the principle, which was announced in regard to a particular case, was broadened into a general imperial policy. The committee recommended that instructions should be sent to governors of all interested colonies in order that the royal opinion should be known. These instructions, drawn up December 2, 1761, mark a distinct advance toward formulating a general Indian policy. The governors were forbidden, "to pass Grants of or encourage settlements upon any lands within the said Colonies which may interfere with the Indians bordering them." No lands were to be bought from the Indians until there had been transmitted to the ministry the particulars of such application, and directions had been returned concerning it.[30] The purchase of lands from the Indians had thus been taken out of the hands of the colonies and had become a function of the general government.

No change in the policy of 1761 was made until after the Peace of Paris. The success of England in the war made necessary a reconsideration of the whole question of the American colonies and a revision of the policy in regard not only to the new possessions, but also to the West as far as the Mississippi, of which England was at last in undisputed possession. Before this important question was taken up, a new ministry had come into power. The chief authority was exercised by the triumvirate, composed of Grenville, Lord Halifax, and Lord Egremont, all of whom had had experience in colonial affairs and held very fixed

[28] *Granville Papers*, I., 193; Von Ruville, *William Pitt*, III., 108.
[29] *N. Y. Col. Doc.* VII., 473.
[30] *N. Y. Col. Doc.* VII., 477 *et seq.*

ideas in regard to the questions at issue. Lord Egremont, who had probably been responsible for the most important change in the policy in regard to Indian lands, was the secretary who had charge of colonial affairs, and was as ready as ever to assert himself. Yet his was not the mind that guided the next advance in forming the policy. As a matter of fact, he was still defending the policy which he announced in 1761 in his instructions to the governors, as is shown in his letter asking for suggestion from the Board of Trade, on May 5, 1763.[31]

Throughout the eighteenth century the Board of Trade passed through many fluctuations in power. Under Halifax it had risen from obscurity to a place of real importance, but on his retirement, the Board had fallen again into impotence under Lord Sandys. For a month in 1763, Charles Townsend had been its president and was admitted as a member of the privy council. On his retirement, the office with the seat in the ministry was given to Lord Shelburne. He was at the time a young man of about twenty-six years, enthusiastic, ambitious, strong-minded, and a person of influence in the ministry on account of his friendship with Lord Bute. His name had been suggested for the office of secretary of state for the southern department, but on account of his youth and for other considerations, he had been obliged to content himself with the presidency of the Board of Trade. Shelburne was by nature a student and to every question under consideration he gave careful thought and study. Although his experience in colonial affairs was not great, this characteristic of his made it possible for him to master the situation in America through a study of the correspondence of his office. Throughout his public career, Shelburne was opposed to those who desired to retard the development of the colonies or to employ measures of coercion. His friendship with Franklin had led him to respect the Americans and their opinions.[32] It was to a man of these characteristics that the communication of Egremont asking for recommendations concerning the new possessions and the western land came.

The ministry had up to this time discovered two principles for the control of Indian affairs, which were improvements over the course previously followed: Halifax's imperial control of Indian political relations and the unity of management, and Egremont's imperial control of purchases of land from the tribes. In regard to the first there remained to be worked out the details of management. The second principle was not sufficiently clear and definite. The protection of their hunting grounds

[31] Can. Archives *Report* 1906, pp. 93 *et seq.*
[32] Fitzmaurice, *Life of Shelburne.*

From a painting by Sir Joshua Reynolds.

WILLIAM PETTY, FIRST MARQUIS OF LANSDOWNE AND LORD OF SHELBURNE.

promised the Indians was too uncertain and vague to overcome their fears; nor was it satisfactory to the colonists. The latter found that the purchase of those Indian lands lying within close proximity to the settlements was made difficult by the necessity of obtaining permission from England. The Indians complained that the pioneers were crossing the Alleghanies and that already titles to land in this region had been granted by the crown and governor of Virginia, and companies had been formed for further settlement. Yet it was evident that this westward movement could not be stopped because land was actually needed for new settlers and western colonization was being promoted by the foremost men of the colonies. Finally the Indian trade needed regulating. Shelburne, with his habit of studying a problem, consulted the correspondence of the Board of Trade. His friendship for Benjamin Franklin and his kindly feelings for the welfare of the colonies inclined him to take into consideration the views on the subject of the prominent men of America. From the policy as it was finally announced in the proclamation, and from the measures promoted by Shelburne in later years, it is obvious that he found his best information on the American view of these difficulties and of their best solution in the measures recommended by the commissioners at Albany in 1754.[33]

After receiving Lord Egremont's inquiry of May 5th concerning the policy to be pursued in regard to the new possessions, Lord Shelburne formulated a plan that he thought would be best fitted to preserve peace with the Indians and permit future expansion of the colonies, and at the same time keep the management of those affairs of general colonial interest under the central authority, so that the mistakes of the past which had alienated the Indians might be avoided. His comprehensive policy may be read in the communications of the Board of Trade of June 8th and August 5th, the proclamation itself, and the measures he advocated in later years.[34]

For the sake of the intelligibility of the later discussion, it is best to summarize what was in Shelburne's mind at the time he proposed issuing the proclamation, although the proof of the numerous disputed points

[33]There is another indication in support of this opinion. In the package of Shelburne's letters concerning the Proclamation of 1763 is "A Report to the Board of Trade, relating to a plan of concert of the North American Provinces for the common defense, 1754." Hist. MSS. Commission, *5th Report*, 217. It is possible that this may be the plan proposed by the Board of Trade for the same year, but it is not likely, for that plan would have contained nothing of interest to Shelburne, since it was made before sufficient information in regard to Indian affairs had been received. It is, therefore, probable that it is the report on the Albany plan. Lack of time and the difficulty of obtaining copies of the Shelburne papers have prevented me from securing further proof of this and of other assertions in this paper.

[34]Can. Archives *Report*, 1906, pp. 97 et seq.

will not be demonstrated until later. If I read his mind correctly, he had reached the conclusion that the control of all important relations with the Indians must be imperial. This control must be shown to the Indians in three ways: first, by the unity of management; secondly, by a definite boundary, which should be established between the western-most settled parts of the colonies and the hunting grounds of the Indians; and future settlement in this region, reserved for the Indians, should be directed by the British government, and, therefore, the colonial governments and private persons must be forbidden to make purchases or settlements beyond this line until treaties have been made with the various tribes, and satisfaction has been given them for their land; thirdly, by imperial regulations for the Indian trade, since the colonies had failed, on account of their rivalries, in managing the trade and in restraining the unscrupulous traders whose acts had frequently been the cause of Indian outbreaks.

Such seems to have been Shelburne's view of the Indian problem, but he realized that before definite action could be taken in organizing the Indian management, in regulating the trade, and in establishing a boundary, further information should be obtained and he, therefore, suggested corresponding with the commander-in-chief and the Indian superintendents on these points. The ministry did not permit such correspondence with the commander-in-chief, but gave him permission to write to the superintendent. Therefore a letter was sent off to Johnson on August 5th, requesting information.[35]

Returning to Shelburne's purposes, we find that the rights and needs of the colonists were not to be neglected. He was persuaded that some of the colonies were already in need of land, not so much because of over-population as because large tracts were held for speculative purposes.[36] The consequence of this was the encroachment of the pioneers upon the Indian hunting grounds and the resulting disturbances. To relieve this condition, three remedies should be applied. First, permission should be granted the Indians to sell their lands, situated within the settled area, directly to the crown acting through the governor. This would prevent the frauds which had been practiced on the Indians by private persons, but would not cause the delay in sending to England as Egremont's policy of 1761 had done.[37] The second remedy was to run the boundary line of the Indian reservation far enough to the westward to include

[35] *N. Y. Col. Doc.*, VII., 535.
[36] Can. Archives *Report*, 1906, p. 100.
[37] Historians have at times identified the land policy in the reservation with this in the settlements. Howard, *Preliminaries of Rev.*, in *Amer. Nation*, 229.

the upper Ohio valley so that an extension of the settlements might be made in this direction. The third remedy was the encouragement of settlement in the provinces of Nova Scotia, East and West Florida. Shelburne hoped in this way that the land bordering the Indian reservation would be relieved of pressure. He realized the temporary character of these expedients, and intended that further relief should be obtained in the future by the purchase, under the auspices of the crown, of large tracts of land situated in the Indian reservation either for the expansion of the older colonies or for the erection of new ones.

This policy was outlined with some reservations in the report of the Board of Trade of June the eight, and was in general accepted. The only objection raised was concerning the neglect to provide for some civil supervision of the Indian reservation. Lord Egremont proposed that this territory should be annexed to the government of the Province of Quebec, unless the Lords of Trade had some better suggestion. In his letter, there is no evidence that he wished to create a strong military province for the purpose of coercing the other colonies, or even that he had any serious objection to the general policy propounded by Shelburne.[38] Shelburne's main reason for rejecting this proposal was that it would give warrant for the belief that the West had been ceded to England by France, whereas he thought the English possession rested on better grounds. Other reasons alleged were that it would give the inhabitants of the northern province an advantage in the trade, and that the governor of such a large territory must become practically commander-in-chief of the king's forces. Shelburne proposed, therefore, placing the Indian reservation under the commander-in-chief of the army. The disagreement in regard to this part of the policy was closed by the death of Lord Egremont. Shortly afterwards Lord Halifax, Egremont's successor, accepted the suggestion of the president of the Board of Trade.[39].

It was Shelburne's intention to collect all attainable information on the various phases of his policy and then to embody it in instructions to the governors.[40] As we have already learned, such a delay was made impossible by the outbreak of Indian hostilities, the news of which reached England early in August. It was felt that the alarm of the Indians for their lands would be allayed by the immediate declaration of the general purpose of the ministry. On August 5th, Shelburne recommended that a proclamation be prepared on the subject of the pres-

[38]Can. Archives *Report*, 1906, p. 108. See also Fitzmaurice, *Life of Shelburne*, I., 247, *et seq.*
[39]Can. Archives *Report*, 1906, p. 112.
[40]Ibid., p. 107.

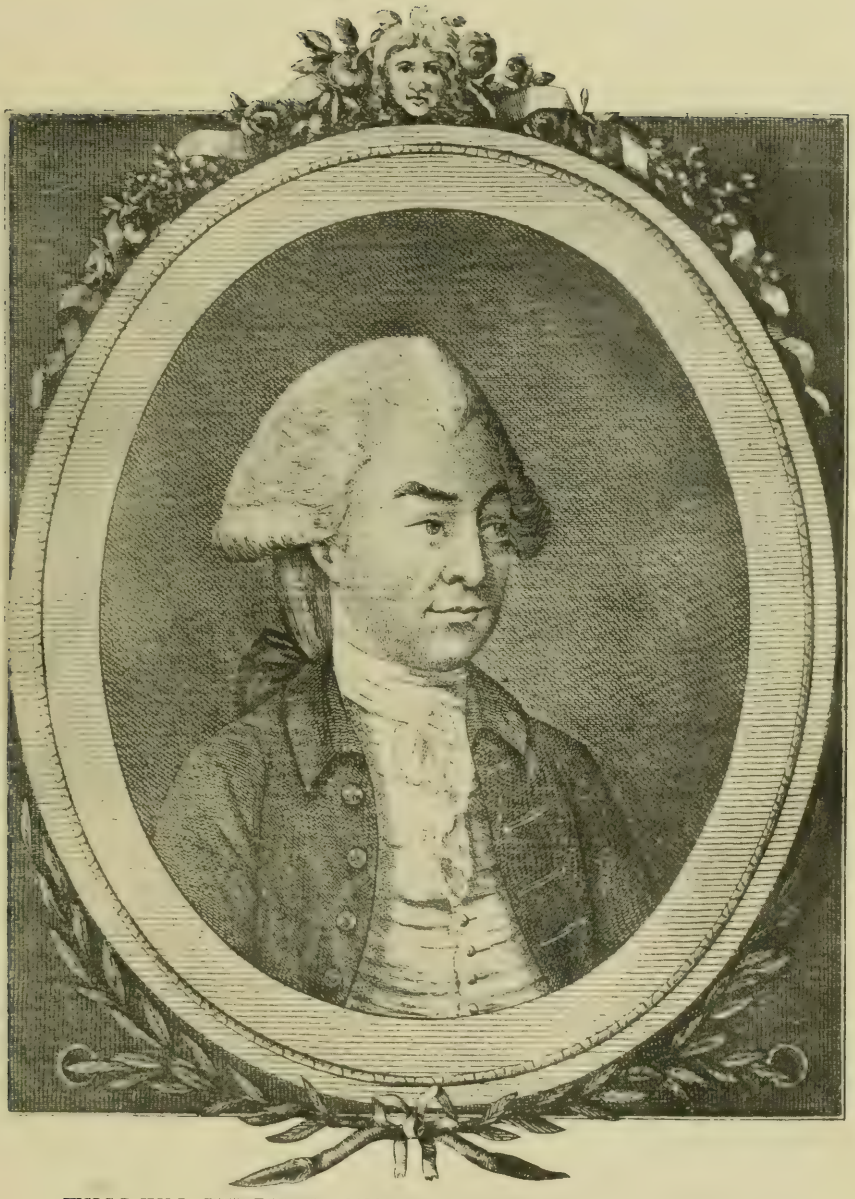
ervation of the Indian hunting grounds, and that there be added to this the proposed inducements to immigrants to settle in the new provinces, with the exception of Quebec, in order to attract those, who were pressing on the reserved lands, to territory where settlements could be made immediately without alarming the Indians. For the purposes proposed, it was necessary that a boundary line between the settlements and the Indian reservation be immediately named. It would not be sufficient to declare that some vague line, such as Shelburne had in mind, was to be determined in the future. The crisis demanded the announcement of a definite and conspicuous land-mark. Such was the line of the mountains, and that was chosen.

Lord Shelburne resigned from the presidency of the Board of Trade and the ministry on September 2,[41] but there is evidence that the wording of the part of the proclamation concerning Indian affairs had received his attention, if it was not written in full by himself. The proclamation announced directly or by inference the policy which had been formulated by himself. The wording of these paragraphs is very careful, and the utmost pains was evidently taken to prevent such contrary interpretations as might be made by his colleagues. Particularly is the policy at variance with that which was advocated by his successor in later years.

Lord Hillsborough, Shelburne's successor, was in Ireland at the time of his appointment.[42] When he returned I do not know, but at any rate the time between his return and the date of the issuance of the proclamation, October 7, was too short for him to reverse a policy so maturely considered. Nor could he have hoped to succeed, since the ministry had pledged itself to the policy. The proclamation was actually issued under the presidency of Lord Hillsborough, but the contributions, that may be accounted his, fall in a different part of the document. On the development of the Indian policy there is no evidence that he exercised the least influence.[43] That was and remained Lord Shelburne's.

The importance of settling the question of the authorship of this part of the famous proclamation is not slight, for Lord Shelburne's attitude towards the various matters in dispute between the colonies and the mother country is well known. Throughout the troublous years which followed the close of the French and Indian War, he sympathized with and encouraged the colonists. In the interpretation of the proclamation

[41]Von Ruville, *William Pitt, Earl of Chatham* III., 122.
[42]*Grenville Papers*, II., 116.
[43]The conclusions reached in the following pages present the full proof of this statement.



WILLS HILL, THE RIGHT HONORABLE, THE EARL OF HILLSBOROUGH

this friendliness of his must be borne in mind, for he could not have conceived a policy that would be likely to arouse a feeling of discontent among the Americans, or that would limit the development of those colonies, whose interests he had so much at heart.

In tracing the development of the Indian policy of Great Britain, the fundamental motives which brought this proclamation into being have been clearly shown. Conditions had made necessary the centralization of the control over all relations with the Indians. The former policy of permitting each colony to settle these delicate affairs had proved a failure; and, if the Indians were to receive fair treatment in the future —and this they deserved as much as the colonists—a radical change of policy had to be adopted. The policy as developed by Shelburne was only an outgrowth of the work of his predecessors and of the conditions prevailing in America. It is also in direct line with the development of the imperial tendencies of Great Britian during the eighteenth century. The previous century had been one of general neglect, but the particularistic tendencies which had been fostered in the colonies had become detrimental both to their own and the imperial development, so that the preservation of the empire required that those interests which were general should be assumed by some power superior to the separate colonies, and be conducted with greater regularity and consistency.

It has been already pointed out that the proclamation did not announce the comprehensive policy that Shelburne had conceived, and, therefore, it must be regarded as tentative and partial. It was prepared in haste to meet a crisis in American affairs, and naturally many points could not be made clear, until further information had been obtained. In order not to interrupt the narrative of the writing of the proclamation, I have assumed a knowledge of this completed policy, without advancing the proof, although it is not to be readily found in the document. It is now time that the evidence for these unmentioned purposes should be given.

The first concerns the tentative character of the boundary line between the Indians and the settlements. It has been said that Shelburne intended, in spite of the accepted evidence of the proclamation, that the line should be run between the settlements and the Indian reservation so that the lands on the upper Ohio would be included. This would place it considerably west of the mountain barrier named in the proclamation. The discussion of this subject is complex, because there is involved the question concerning the intention of the ministry to fix western limits to the colonies; but it will be clearer to treat the subject as two problems,

although the full force of the argument will not be perceived until after the demonstration of the second.

At the time of formulating the proclamation Lord Shelburne had to provide for an unexpected emergency, and, as we have seen, chose a conspicuous landmark for the boundary line which it had been already determined to establish.[44] In announcing the line of the Alleghanies, he had the precedent of the proclamation of Colonel Bouquet in 1761, but he realized that beyond this line titles to land had been given by the crown and the governor of Virginia and that the maintenance of such a boundary was impossible. He realized further that such grants as had been made were premature, since the Indian titles had not been first purchased. This situation made the running of the line peculiarly difficult, and the whole matter required delicate handling. With this in mind, the Lords of Trade wrote to Sir William Johnson on August 5th to announce their intention of running a boundary line—evidently not yet fixed upon—and to ask his advice on their intended Indian policy.[45] In the answer of November 13th, before he had received a copy of the proclamation, Johnson mentioned the need of determining a boundary beyond which settlements should not be made. He writes: "If such a boundary * * * should be thought advisable, I shall immediately on receiving Your Lordpps command, make the Indians acquainted therewith, and settle the same in such manner as may prove most to their satisfaction."[46] The proclamation seemed to settle this matter; but the successor of Lord Shelburne, Hillsborough, understood perfectly well that the Alleghany line was not tenable, and that it was always intended that the permanent boundary be later established. In article 42 of the plan which he drew up in 1764 for the management of the Indian affairs,[47] we read: "that proper Measures be taken, with the Consent and Concurrence of the Indians, to ascertain and define the precise and exact Boundary and limits of the lands which it may be proper to reserve to them, and where no Settlement whatever shall be allowed."

This plan for the management of the Indians was formulated under Hillsborough so that it may not express the opinion of the man who was responsible for the policy of the proclamation. We have at a later time, however, some indication of Shelburne's purpose. The determina-

[44] If the map, which was enclosed in the report of the Lords of Trade of June 8th, and on which was marked the proposed boundary, could be found, it would settle this question immediately, but I learn by a letter from Dr. Doughty, the Archivist of Canada, that search has been made for it without success. See Can. Archives *Report*, 1906, p. 103, note 1.

[45] *N. Y. Col. Doc.* VII., 535.

[46] Ibid., 578.

[47] *N. Y. Col. Doc.* VII., 840, arts. 41-43.

tion of the final line was deferred on account of the dispute caused by the passage of the Stamp Act.[48] The Board of Trade ceased to interest itself in western affairs, and even the letters of Johnson concerning the new line were mislaid.[49] In 1766, the Board of Trade was again reduced to impotence,[50] and the whole control over colonial affairs passed into the hands of the secretary of state for the southern department. This position was held by Lord Shelburne at the time when the question of the boundary again became pressing. In 1767 many letters, concerning the hostility of the Indians on account of the settlements which were being made on the Ohio in a territory that was still in dispute, were received by him.[51] Shelburne laid these letters before the commissioners of the Board of Trade, who replied on December 23rd. They regarded the situation as serious and the necessity of fixing the boundary line as pressing, and wrote: "It was this consideration which occasioned the provisional management in the proclamation of 1763, and induced this Board to propose, in the plan for the management of the Indian Affairs prepared in 1764, a boundary line being established by solemn compact with the Indians." They continued by saying that the subject has been a matter of discussion between the Indians and the superintendents, and the line practically established. This line was then described, special mention being made of the fact that the line fell east of the boundary of Pennsylvania, so that part of that colony would still remain within the Indian reservation.[52]

This recommendation probably represents very closely the opinion of Lord Shelburne, for his position was such that he exercised great influence on the colonial policy.[53] On January 5th he wrote to Sir William Johnson that the boundary line should be "compleated."[54] It was not given to him, however, to carry into execution this order; for in the same month the new secretaryship for the colonies was created and Lord Hillsborough, for a second time, succeeded Shelburne in the management of colonial

[48] *N. Y. Col. Doc.* VII., 835, 842.

[49] Stone, *Life and Times of Sir Wm. Johnson*, II., 303.

[50] Fitzmaurice, *Life of Shelburne*, II., 2.

[51] A number of these letters are calendared in Hist. MSS. Com. *5th Report*, 218.

[52] *N. Y. Col. Doc.* VII., 1004.

[53] It should be noted, however, that at this time the Board of Trade was opposed to Lord Shelburne on another point in his western policy. Franklin's *Works* (Bigelow) IV., 136-145. If the above is the opinion of the Board of Trade, it is stronger evidence for my contention. The Board of Trade never lost sight of the fact that the line of the Alleghany Mountains was of a temporary character. In a letter to Lord Hillsborough on March 17, 1768, occurs the following passage: "With respect to that vast and extensive Country in North America, which on account of the Indian War raging within it, was made by the Proclamation of the 7 of October 1763, the object of mere provisional arrangements." *N. Y. Col. Doc.* VIII., 20.

[54] Ibid., 2.

affairs. As is known this boundary line was finally run at the Treaty of Fort Stanwix in 1768. That treaty should be interpreted, therefore, as the fulfillment of the purpose which had been formed by the ministry when they prepared the Proclamation of 1763, instead of being a continuation or extension of that policy due to settlement on the Ohio as has been maintained.[55] This interpretation is supported by Grenville's remark quoted by Franklin, "that the design of it (the proclamation) was totally accomplished, so soon as the country was purchased from the natives."

If this interpretation is correct it disposes forever of the question of the finality of the mountain boundary line. It does more than this, for there can no longer be a question of limiting the colonies on the west at the mountains. Yet it does not determine the intention of the ministry concerning a western limit of the colonies. The Fort Stanwix line would have served this purpose as well as the Alleghanies. The concensus of opinion among historians has been that the ministry did intend in the Proclamation of 1763 to fix the western limits of the colonies and to put an end to all future claims to this region. Mr. Winsor writes: "There was doubtless in all this a number of objects to be gained. One was to limit the old colonies by the Mountains."[56] A more recent writer maintains that, "the king's proclamation had entirely ignored the shadowy title of several of the colonies to the western territory."[57] The two writers who have made the most extended studies of the proclamation accept this interpretation.[58]

A careful study of the proclamation leads to the conclusion that the part in regard to Indian affairs has been very thoughtfully drawn up and that every word and clause has been used with intention. With this in mind, notice how carefully the writer has distinguished between new provinces, the limits of which on the Indian side had been established and those provinces whose borders extended or might extend into the Indian reservation. The wording is significant: "We do * * * declare it to be our Royal Will and Pleasure, that no Governor or Commander in Chief of any of our Colonies of Quebec, East Florida, or West Florida, do presume to grant Warrants of Survey or pass any Patents for lands beyond the Bounds of their respective Governments." But the governors of the other colonies are only forbidden "for the present,

[55]Coffin, *Province of Quebec*, 427. See also Howard, *Preliminaries of the Revolution*, in *Amer. Nation*, 231.

[56]*Mississippi Basin*, 431.

[57]Howard, *Preliminaries of the Revolution*, in *American Nation* 233.

[58]Alden, *New Governments West of the Alleghanies*, 38; Coffin, *The Province of Quebec*, 412 *et seq.* For the similar and older interpretation see Poole in Winsor's *Narrative & Crit. Hist:* VI., 687.

or until our further Pleasure be known" to make grants beyond the headwaters of the rivers flowing into the Atlantic Ocean. The next clause is equally significant. It is declared that "for the present" the land, not included in the limits of the three new provinces or in the territory of the Hudson Bay Company or west of the mountains, was reserved for the use of the Indians; but in the last clause of the definition there is no suggestion that the mountains form the western border of the colonies. The wording of the provision for the purchase from the Indians of land situated in territory open to settlement is of the same character. Private persons are forbidden to purchase lands, "reserved to the said Indians, within those parts of our Colonies where, We have thought proper to allow Settlement." Why is the word "parts" used unless there were some colonies whose western borders might be considered as extending over the boundary line between the Indians and the English settlement? We know that by its charter Pennsylvania had a legal title to land on the other side of the mountains, and certainly the ministry had no power to annul the rights of the proprietors thereto. Also Massachusetts, Connecticut, New York, Pennsylvania, Virginia, the Carolinas and Georgia had rights, however shadowy, which could not be thus summarily set at nought, and within the limits of some of them titles to land beyond the mountains had been given by the crown itself.

The only conclusion that can be drawn from the wording of the proclamation is that the ministry announced a tentative line between the Whites and the Indians, without the intention of determining the question of western limits. These were left as they were before.

Although this must be the conclusion concerning the meaning of the proclamation, it may not represent exactly Shelburne's intentions about the final disposal of this western territory. Certainly his intentions were not such as have been assigned by the authors quoted. It is possible, however, that the minister had in mind Franklin's plan as unfolded at Albany in 1754 and desired to carve out new colonies in the West. His friendship with Franklin might have influenced him in this, and his later policy proves that he was favorable to erecting new colonies west of the mountains, as is shown by his attitude in the case of the proposed colonies of Illinois and Vandalia. If this policy had been carried out, it would have meant the establishment of western boundaries for the eastern colonies.[59]

[59]Therefore in spite of the previous argument in regard to the temporary character of the Alleghany line, Shelburne might possibly have favored making it or the Fort Stanwix line permanent as far as existing colonies were concerned so that new western colonies might be formed. I am not inclined to think, however, that his policy was developed in 1763 beyond the idea of fixing a boundary line.

Shelburne's final purpose concerning the western boundaries of the colonies is, therefore, somewhat problematical, but that is not true of Hillsborough's. As soon as he had formed an Indian policy and had become a man of influence in colonial affairs, he decided that all the indefinite western boundaries of the colonies should be determined. In the plan for the management of the Indians, which was prepared in 1764 under his direction, he dropped Shelburne's careful distinction between colonies with fixed boundaries towards the Indian territory and those with undetermined boundaries. He knows only colonies with definite limits.[60] The same viewpoint is evident in the report of the Board of Trade in 1768 on the erection of western colonies, for which Hillsborough was responsible.[61]

The third element of Shelburne's policy not directly revealed in the proclamation concerns the future expansion of the colonies westward. The problem involved in the assertion that the writer of the proclamation intentionally provided for such expansion is not precisely the same that has been discussed from the time of Benjamin Franklin's "Settlement on the Ohio" to Mr. Coffin's "Province of Quebec." In the past, the question in dispute has always been whether it was the intention of the framers of the proclamation to stop settlement at the mountains. The proof that the line finally run at the Treaty of Fort Stanwix, was intended from the first to be the boundary line between the Indians and the settlements, has laid to rest this dispute a century and a third old.

At first sight the new problem which is suggested appears to be the old one with the single difference that the line is moved farther westward. In a sense this is true; but the dispute concerning the Alleghany boundary has been so important a one that those who contended for the more liberal interpretation of the Proclamation of 1763, have gained their point by proving either the non-intention of the ministry to maintain this as a permanent barrier to colonization or the impossibility of so doing, so that it has generally seemed unnecessary to ask what was the policy of Great Britain concerning the Indian reservation as a whole, and historians have generally taken for granted that it was the intention of the framers of the policy to erect a permanent Indian reservation in the heart of America.[62]

[60] *N. Y. Col. Doc.* VII., 640.

[61] *See Franklin's Works.* "Settlement in Ohio." It is worthy of notice that the writer in the *Annual Register* of 1763, p. 20, was also of the opinion that the intention of the proclamation was to limit the colonies on the west.

[62] An exception must be made of Mr. Alden in his *New Governments West of the Alleghanies* and those who have followed him. He has seen clearly that there is no proof for the permanency of such a policy. Mr. Coffin, however, appears to believe that the ministry had such an intention, for he writes: "Disastrous as the Quebec

The whole question of the western policy of Great Britain during these years has been obscured by the persistent declaration of hostility to western colonization and of the necessity of preventing it by Lord Hillsborough. At two critical moments in western affairs, at the time of the issuance of the proclamation and of carrying out its purpose at the Treaty of Fort Stanwix, he followed the liberal minded Lord Shelburne and, therefore, greater importance to his personal opinions has been given than the facts warrant. During the eleven years from the Treaty of Paris in 1763 to the passage of the Quebec Act in 1774, the influence of Lord Hillsborough was paramount in the western colonial policy for five years only, during which time he did not formulate a single important western policy that could be regarded as ministerial, and, when his peculiar interpretation of the policy toward the West came to a definite issue over the question of the establishment of Vandalia, it was rejected by the most conservative and reactionary ministry of the whole period.[63] When we consider that most of the ministers between 1763 and 1774 were indifferent about the western question and those who had a positive western policy such as Halifax, Egremont, Shelburne, Conway, Clare, Dartmouth either were not opposed or were distinctly favorable to expansion, it is a mistake to conceive of Hillsborough's opinion as typically British.

In 1772 Lord Hillsborough declared that the purpose of the Proclamation of 1763 had been to confine colonization to the coast.[64] We have already seen that in his plan of 1764 for the management of the Indian trade, this interpretation of the proclamation is to be found, as it is also found in the report in 1768 of the Board of Trade on the proposed colony in the Illinois Country, and for this opinion Hillsborough was responsible. Proof has already been given that in seeking the purpose for the proclamation, this interpretation of Hillsborough's may be disregarded since he was in no way responsible for the policy enunciated in that

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Act proved, no part of it was more shortsighted or more disastrous than this treatment of the Western lands. Following up the Proclamation of 1763, it seemed an attempt to indefinitely maintain in the great heart of the continent - - - the policy of monopoly and restriction against which the colonies on the coast were chafing so sorely. - - - They (the Americans) were not likely to stop and reflect that though the policy of the mother country apparently remained the same, that policy had already broken down in one important section of the new territory before the inrush of the pioneers, and that there was no probability that it would be any more permanent with regard to the remaining portions." *Province of Quebec* 431. My point of disagreement with the above lies herein, that Mr. Coffin regards the possible forming of new settlements in the Indian reservation as a breaking down of the policy of the Proclamation of 1763, while I believe that the erection of such colonies was favored by the framer of the policy and his colleagues.

[63]For a discussion of Lord Hillsborough's policy, see Alden, *New Governments West of the Alleghanies*, 42-48.

[64]Franklin's *Works*, "Settlement of Ohio."

document; for it had been worked out by his predecessor and accepted by the ministry before he became president of the Board of Trade. In fact so careful is the wording of the proclamation that it looks, as has been said, as if the writer of it had particularly guarded against this interpretation.[65]

The only question that concerns us then is, what was Shelburne's purpose concerning the Indian reservation? It is to be expected that a proclamation of this character, which was issued for the purpose of reassuring the Indians, would be very definite in its assertion of prohibition of encroachments on Indian lands, so that it is wrong to interpret its negations into terms of positive policy. For the same reason there could be made no definite statements concerning anticipated future settlements in the Indian reservation; for that would have defeated the purpose of the proclamation. Therefore, all we can expect to find in the document, or those connected with it, are reservations that would not be prohibitory of a policy that might appear at first sight contrary to the obvious declarations. Such reservations exist.

In the communication of the Lords of Trade on June 8, 1763, concerning the new possessions, after recommending that civil governments be established in certain places, the commissioners wrote that no civil government was needed, "where no perpetual Residence or planting is intended." Mention is then made of Newfoundland and of Senegal on the African coast, where it was expected that settlers would not be induced to go; but when the Lords of Trade reach the subject of the Indian reservation, they likewise think there is no need of a civil establishment here, "where no Settlement by planting is intended, *immediately at least,* to be attempted."[66] In the answer of Lord Egremont on July 14th the same guarded language is used, as is the case also in the proclamation. Attention has often been called to the use of such limiting clauses in the prohibitions as, "until our further Pleasure be known," "for the present," and, "without our especial leave and license for that Purpose first obtained."

Since such clauses of limitation are attached to every statement concerning the Indian reservation, the conclusion must be that the writer saw a future time when settlement to the westward of the Indian boundary line would become necessary, and has therefore taken precautions not to pledge the government of Great Britain to the reverse policy.

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[65]Previous writers, such as Coffin and Alden, have rejected Hillsborough's interpretation, but this is the first time, as far as I have noticed that the true reason for such rejection has been explained.

[66]Can. Archives *Report* 1906, p. 102. The Italics are mine.

The later policy of Lord Shelburne bears out this interpretation. In the spring of 1766 some Philadelphia merchants conceived the plan of colonizing Illinois. They associated with themselves Benjamin Franklin, Sir William Franklin, and others. From the letters concerning this scheme it is very evident that Lord Shelburne and other ministers favored their plan, and even advocated colonies on the Ohio and at Detroit.[67] This was only three years after the writing of the proclamation and there is no evidence that anything had occurred in that time to cause Shelburne to have directly reversed his policy.

The last of the reservations made in the proclamation concerns the Indian trade. In the proclamation certain regulations were laid down, which it is necessary for us to take as a starting point. These were that trade with the Indians should be free to all subjects of Great Britain; but each trader was required to take out a license from the governor of his province or the commander-in-chief, who were forbidden to make a charge therefor, and also to give security for his obedience to all regulations which might be made for such trade by the government or the commissioners. All military officers and employes of the Indian commissioners were required to arrest persons charged with specified crimes and bring the same back to the colony where the crime was committed.

For the importance of the subject, these regulations were neither very numerous nor stringent. Here again we notice the prematureness of the proclamation. The important clause in the mind of the writer was that concerning obedience to future regulations; for the ministry and the Board of Trade had not yet collected sufficient data to formulate a plan for the Indian Trade.

In their communication of June 8th, the Lords of Trade enumerated the various advantages that were to accrue from the undisputed possession of the western lands and Canada, and among these the most stress was laid on the advantage from the Indian trade in all its branches. There can be little doubt that Englishmen regarded this as the principal profit to be derived from the conquests made in the war. For this reason Shelburne desired to give the subject as much study as possible. Therefore he did not suggest including any directions concerning trade in the proclamation when he made his recommendation that such a declaration be issued. These regulations that appear were added, after Shelburne's resignation, by the direction of the ministry, and were probably written by Lord Hillsborough.

[67] Franklin's *Works*, (Bigelow) IV., 136-145. The best source for Shelburne's attitude towards western colonies may be found in his own words in a letter to the Board of Trade, October 5, 1767. *N. Y. Col. Doc.*, VII., 982.

On August 5th the Board of Trade wrote to Sir William Johnson asking for suggestions concerning the regulation of the trade. Had the Lords commissioners examined their files they would have discovered a long communication written by Johnson's secretary Wraxall on the subject. Johnson's answer to this letter of inquiry was written on November 13th and discussed at length the problem.[68] Before this letter was written the Lords of Trade had made a general outline of a plan, which they completed in 1764,[69] only after obtaining the information from the Indian agent; and this they intended to submit to Parliament.[70] The plan was drawn up during the presidency of Lord Hillsborough, and so it is difficult to decide how far it was in accordance with the ideas of Shelburne.[71] It is, however, almost our only source of information on the ministerial ideas at the time. The details of this plan need not detain us, for we only wish to know the general purpose of the men who framed the proclamation. All power to regulate the Indian trade was to be taken from the colonies and placed in the government of Great Britain to be exercised by the king or his agents, in other words the control of Indian trade was to become centralized. The representatives of the home government were to be two superintendents, one for the northern, one for the southern district. In these was to rest the administration of trade and oversight over land sales. Also the general government of the Indian reservation was to be in their hands and their agents were to be appointed justices of the peace with powers to hear criminal and civil cases between Indians and traders or between the traders themselves. It was proposed to raise funds for the maintenance of the required establishment by a tax on the trade itself.[72]

It is difficult to say how much of this plan Shelburne would have accepted, and since these clauses of the proclamation concerning the trade were not his, the question is not of great moment. A few years later, however, he said that several of the articles were objectionable. One part of the plan was certainly not his. It had been his idea that the Indian reservation should be attached to the military department and directly under the control of the commander-in-chief. This was never

[68] *N. Y. Col. Doc.* VII., 572.
[69] Before July 10, 1764. Ibid., VII., 633.
[70] Ibid., VII., 634.
[71] There are papers in the collection of Shelburne MSS. which contain the necessary information on this point. Unfortunately I have not yet obtained copies of these.
[72] This plan was never put into execution, probably because of the disturbances arising out of the passage of the Stamp Act, which would have been only further increased by the plan of raising funds by taxation of the fur trade. After the Old Northwest was annexed to Canada by the Quebec Act in 1774, this plan was sent to Governor Carleton to guide him in forming regulations for the Indian trade. Can. Archives *Report*, 1906, p. 433.

done, because this plan of Hillsborough's was accepted by the ministry. In 1767, Lord Shelburne, at that time secretary of state, had a very different plan to propose to the Board of Trade. He believed that the need of centralization of the management of the Indian trade had passed with the withdrawal of France from America. Therefore he advocated the abolishment of the office of superintendent and the placing of trade regulations again into the control of the colonies. It is possible that he had in mind something similar as early as 1763.[73]

We have now passed in review the purposes of the framers of the proclamation in regard to the Indian affairs. The discussion has placed us in a position to interpret more correctly the articles which concerned the encouragement of immigration.

Although the principal purpose of the proclamation was to allay the alarms of the Indians, it was addressed to the colonists and positively prohibited them from making settlements on the Indian lands. The colonists realized to its fullest extent the danger existing in their ill-regulated relations with the Indians, but the remedy to be prescribed was likely to prove unpalatable. There was reason, then, in the action of the ministers in giving the pill a sugar coating. For that purpose they have placed first the advantages which the colonists were to derive from the new policy, and have drafted the document so that what was actually a means to gain their purpose reads as if it were the real object of the proclamation. While the pioneers were pressing on the borders of the Indian reservation, the hoped-for peace with the Indians was in danger. The critical condition demanded that this floating population, seeking homes in vacant lands, be attracted to territory where settlements might be immediately made and where there was no danger of disturbing the natives.

This motive explains the wording of the preamble: "Whereas we have taken into our Royal Consideration the extensive and valuable Acquisitions in America, secured to our Crown by the late Definitive Treaty of Peace concluded at Paris, the 10th of February last; and being desirous that all Our loving Subjects, as well of Our Kingdom as of our Colonies in America, may avail themselves with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation," etc.

After the statement of the boundaries of the new provinces, the articles concerning which were later additions to the proclamation, comes the announcement of the inducements which the government holds out to

[73] *N. Y. Col. Doc.* VII., 981.

prospective immigrants. This clause is so important that it is necessary to quote it at length: "And whereas it will greatly contribute to the speedy settling our new Governments, that our loving subjects should be informed of our Paternal care, for the security of the Liberties and Properties of those who are and shall become Inhabitants thereof, We have thought fit to publish and declare, by these Our Proclamation, that We have in the Letters Patent under our Great Seal of Great Britain, by which the said Governments are constituted, given express Power and Direction to our Governors of our Said Colonies respectively, that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of our Council, summon and call Several Assemblies within the said Governments respectively, in such Manner and Form as is used and directed in those Colonies and Provinces in America which are under our immediate Government; and we have also given Power to the said Governors, with the consent of our Said Council, and the Representatives of the People so to be summoned as aforesaid, to make, constitute, and ordain Laws, Statutes, and Ordinances for the Public Peace, Welfare, and good Government of our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the laws of England, and under such Regulations and Restrictions as are used in other Colonies; and in the mean Time, and until such Assemblies can be called as aforesaid, all Persons Inhabiting in or resorting to our Said Colonies May confide in our Royal Protection for the Enjoyment of the Benefit of the Laws of our Realm of England for which Purpose We have given Power under Great Seal to the Governors of our said Colonies respectively to erect and constitute, with the advice of our said Councils respectively, Courts of Judicature and Public Justice within our Said Colonies for hearing and determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentence of such Courts, in all Civil Cases, to appeal, under the usual Limitations and Restrictions, to Us in our Privy Council."

Over the meaning and purpose of this article there has been waged in Canada, since the time of the publication of the proclamation up to the present, a pamphlet war, in which the astuteness and versatility of the French-Canadian have been pitted against the weighty scholarship of Anglo-Saxon; and yet, during almost a century and a half of discussion, little advance has been made over the interpretations of the earliest writers, Carleton, Baron Masères and their contemporaries. The reason

for this may be found in the fact that the consequences of the proclamation were quite contrary to the purposes of the ministry responsible for it. There actually lies in the very subject of dispute an irreconcilable conflict, the origin of which may be shown by tracing the history of the clause.

The letter which opened the discussion of a policy to be pursued in the management of the new cessions was written by Lord Egremont to the Lords of Trade on May 5, 1763.[74] In this he asked what new governments should be established and what were the privileges of the French settlers, that were reserved to them by the capitulation, and what part of the former French government should be retained. In their answer on June 8th, the Lords of Trade under the presidency of Lord Shelburne discussed these questions at length.[75] They proposed the establishment of three new provinces on the continent, Quebec (called by them Canada) East and West Florida, within the area of which settlement was to be permitted and where civil governments should be established. The boundaries of the Province of Canada were such as to segregate the principal settlements of the French, so that their institutions might be respected, for it was thought that generations must pass before there would be a sufficient immigration of English-speaking settlers to change the existing conditions. The situation in the Floridas was different. Here the French and Spanish population was small and it was expected that the settlers would either cross the Mississippi in order to live on what was supposed to be still French soil or else to the Spanish islands, so that it might be reasonably hoped that this region would soon be populated only with settlers from the older English colonies and Great Britain. Part of French Canada was added to Nova Scotia and the expectation was that this province also might be rapidly settled now that the danger from Canada was removed. The civil government for these new provinces was to consist of a governor and council. A representative assembly was regarded as unnecessary, for the French population of Canada was not ready for a liberal constitution, and the Floridas were supposed to have almost no population. The particulars of the government, "adapted" to the character of each province, were to be announced in the commissions and instructions of the governors.

These proposals of Lord Shelburne and his colleagues were accepted by the ministry, and an order was given that the commissions to the governors be prepared.

These preparations for the peaceful inauguration of governments suited to the varying conditions of the several provinces were disturbed by the

[74]Can. Archives *Report*, 1906, p. 94.
[75]Ibid., 97.

outbreak of the Indian hostilities. We have seen that Shelburne decided that the issuance of a proclamation announcing his Indian policy would meet this difficulty. He advised that there should be included in the proclamation a statement of the advantages offered to settlers in the colonies of Nova Scotia and East and West Florida. His evident purpose was to draw the frontiersmen from the Indian boundary line.[76] It was not the original intention to include in the proclamation other subjects than those two. The omission of all mention of the French Province of Quebec is very significant. It is evident that Shelburne understood the peculiar conditions existing in the northern province and had no intention of disturbing the new citizens by openly encouraging the immigration of the English. Had be remained at the head of the Board of Trade it is probable that no mention of Canada would have been made in the proclamation. The death of Lord Egremont on August 21st and the consequent negotiations concerning the readjustment within the ministry postponed the answer to Shelburne's proposal to issue a proclamation. This answer was written on September 19th, and gave authority to the Lords of Trade to draft the proclamation.[77] The changes in the ministry, after Egremont's death, had brought about Shelburne's resignation, so that the opportunity was not given to the one man, who had made a thorough study of the American problem and had in his mind all the phases of the management of the new provinces and the western lands, to put in execution his comprehensive and logically formed policy. His successor, Lord Hillsborough, had had no previous experience in colonial affairs,[78] and the few days that he had been in office was too short a time for him to have formulated comprehensive plans of his own. This would have been of small importance, had he been instructed only to complete the proclamation according to Shelburne's recommendation; but with this the ministry was not satisfied and ordered Hillsborough to incorporate in the document articles on other subjects, concerning which decisions had already been reached. These were the following: the limits of the new provinces and the additions made to the old ones; a declaration concerning the constitution of the new governments, "as established for the present, and intended in future, and the general Powers which the Governors will have of granting Lands"; the prohibition of the purchase of land from the Indians by private persons; a declaration of the regulations concerning Indian trade; and the regulations concerning criminals.

[76]Can. Archives *Report*, 1906, p. 111.
[77]Can. Archives *Report*, 1906, p. 112.
[78]*Dict. of Nat. Biog.* He was in Ireland when he was appointed on September 10th.

Between September 19th and October 4th Lord Hillsborough completed the task. I have given reasons for the belief that Shelburne had already written the clauses embodying the Indian policy. It is equally probable that the part announcing the inducements to immigrants had also received his attention, but in this Hillsborough certainly made one important change by adding the promise of the installation of a representative assembly at some future date.[79] Taking Shelburne's draft as a basis, he grafted on it the other articles. Thus the announcement of the erection of the province of Quebec was added to the proclamation, and, by that very fact, those inducements to immigrants, such as the protection of English law, which Shelburne had intended to be applicable only in the colonies with a small French population, was extended to the land of the St. Lawrence Valley with its many French villages.

Although the commission and instructions of General Murray, the first governor of the province of Quebec, were drawn up in sufficiently general terms to have permitted an equitable adjustment, in the spirit of Shelburne, of British administration to the existing conditions, the proclamation left no room for discretion;[80] for the protection of English law was extended to French and British subjects alike. In accordance with the letter of the proclamation, the new government of Canada introduced the courts, laws, and legal procedure of England into a land where there were possibly 200 English-speaking inhabitants and 80,000 who had been educated under the French system.[81]

As soon as the proclamation was known in Canada, its interpretation and execution offered difficulties which were insurmountable. In general three interpretations were represented by the writers of the numerous pamphlets and official communications. There were those who, on account of legal training or of personal interests, held to the letter of the

[79]Can. Archives *Report*, 1906, p. 114.

[80]The commission and instructions to Governor Murray are almost identical with those issued to Governors of other royal provinces. In the instructions occurs one phrase, the significance of which may be important. In the article on the courts of judicature the governor is instructed to consider, "what has taken place in this respect in Our other Colonies in America, more particularly in Our Colony of Nova Scotia." Time has been lacking to run down the meaning of this phrase, 'in Our Colony of Nova Scotia", although I have endeavored to do so. Can. Archives *Report* 1906, p. 137.

[81]See ordinance of September 17, 1764, establishing the courts of judicature. Can. Archives *Report*, 1906, p. 149. In Governor Carleton's report of November 20, 1768, occurs the following sentence: "By these two ordinances, which have been transmitted to your Majesty and never disallowed, and are therefore supposed to have received the sanction of your Majesty's royal approbation, the Canadian laws and customs have been generally supposed to be abolished, and the English laws and customs to have been introduced in their stead, and the judges of your Majesty's courts of judicature in this province have conceived themselves to be in conscience bound to administer justice according to the laws of England." Ibid., 232.

document and maintained that English law had been introduced. Many of the French Canadians and their sympathisers argued that, according to the rights of nations, the law of the land could not be thus abrogated. A third group, actuated by the feeling of honor for England, which they could not believe capable of an act of such injustice, and by their sympathy for the French-Canadians, attempted to reconcile the conflict between the English sense of justice and the words of the proclamation. They made a distinction between the protection given by the English criminal law and the rights of property under the civil law, and argued that only the former had been intended to be introduced by the ministry.[82]

Such subtile arguments were and are of no avail. English law was as legally proclaimed in the province of Quebec as in that of East Florida; yet it is just as certain that such a result of their act was unanticipated by the ministry. That sense of fair play, so characteristic of the English people, would have revolted at the injustice of an attempt to change completely the legal system of a people, had not expediency forbidden it. Exactly how such a step would appeal to the cultured Englishman of the day is reflected in a letter written by Lord Mansfield, when the news of the consequences of the proclamation in Canada reached England:[83] "Since I saw you I have heard from the King in general, and afterwards more particularly, but very distinctly, from some persons who visited me last night, of a complaint concerning a civil government and judge sent to Canada.

"Is it possible that we have abolished their laws, and customs, and forms of judicature all at once? a thing never to be attempted or wished. The history of the world don't furnish an instance of so rash and unjust an act by any conqueror whatsoever; much less by the Crown of England, which has always left to the conquered their own laws and usages, with a change only so far as the sovereignty was concerned.

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"Perhaps the principal parts of this Report may be untrue, but I am so startled at it that I cannot help writing to you: you may easily learn from the Board of Trade whether there has been any Act from hence to send them over in a lump a new and unknown law."

The history of the genesis of these clauses of the proclamation has furnished sufficient proof to warrant the conclusion that the consequences of the proclamation were neither anticipated nor wished, had not Lord

[82]These opinions may find representatives in the documents published in Can. Archives *Report*, 1906. See particularly Attorney General Thurlow's Report, p. 305.

[83]Dated December 24, 1764, and addressed to Grenville. Printed in *Grenville Papers*, II., 476.

Hillsborough himself stated that such was the case. On March 6, 1768, he wrote: "I had the Honor to serve His Majesty at the Board of Trade in the year 1763, when His Ma'ty was pleased to publish His Royal Proclamation relative to the new Colonies, and, whatever the legal sense conveyed by the Words of that Proclamation may be, I certainly know what was the Intention of those who drew the Proclamation, having myself been concerned therein; And I can take upon me to averr, that it never entered into Our Idea to overturn the Laws and Customs of Canada, with regard to Property, but that Justice should be administered agreeably to them, according to the Modes of administering Justice in the Courts or Judicature in this Kingdom, as is the Case in the County of Kent, and many other parts of England, where Gavel-kind, Borough English and several other particular customs prevail, altho' Justice is administered therein according to the Laws of England."[84]

The explanation, that Hillsborough offers, is too far fetched to be seriously considered. It would indeed be difficult for an English judge to interpret the *coutume de Paris* as English law in the sense that such local customs as Gavel-kind and Borough English were accepted. If the Lords of Trade were so ignorant, the attorney general, who examined the proclamation before its publication, could have undeceived them.[85] The only possible explanation is that of haste and inexperience. The attention of all those interested in the proclamation was centered on the Indian troubles, and the possible consequences of bringing into connection the various subjects treated in the proclamation were not carefully considered.

The history of Canada from the date of the proclamation was influenced by the unexpected consequences of this incorporation of detached articles into Shelburne's proclamation. In fact the succeeding events of Canadian history are but the working out of these consequences. Each succeeding British ministry considered the problem thus created, until finally in 1774 the Quebec Act was passed; and the deed, which Mansfield designated as "so rash and unjust," was undone.

The argument of this paper has been so long and the proclamation has been examined from so many points of view that it seems best in closing to summarize the conclusions reached, that the development of the interpretation may be reviewed.

1. The proclamation was originally conceived to allay the alarms of the Indians. 2. The tendency of the development of the past years had been towards the imperialization of the management of the Indians.

[84] Can. Archives *Report*, 1906, p. 207.
[85] Can. Archives *Report*, 1906, p. 114.

3. The chief elements in the Indian policy were the control of the purchase of land and trade. 4. Lord Shelburne was the final framer of the Indian policy. 5. Lord Hillsborough had nothing to do with the formulation of the Indian policy announced in the proclamation. 6. The line of the Alleghanies, which was proclaimed, was not intended to be the permanent boundary line between the Whites and the Indians. 7. The line run at the Peace of Fort Stanwix in 1758 was the boundary line intended from the first by the Board of Trade. 8. The proclamation did not set western limits to the colonies, nor was such the intention of the ministry at the time. 9. It was the intention of the Board of Trade to promote western expansion by the peaceful purchase, from time to time, of land situated in the Indian reservation. In other words expansion westward was to be controlled, but not prevented, by the British government. 10. The clauses concerning Indian trade were later additions to the proclamation and the policy intended to be pursued was not yet matured. 11. The only other subject originally intended to be included in the proclamation was the inducements offered to settlers in certain provinces. 12. The purpose of this was to draw the pioneers away from the Indian boundary line in order to relieve the pressure on the Indian lands. 13. It was not the intention to include the province of Quebec in the list of colonies, to which immigration was thus to be directed. 14. The final arrangements concerning the government of Quebec were to be announced in the commission and instructions of the governor. 15. After Shelburne's retirement from the Board of Trade, the ministry determined to include in the proclamation several other subjects, among them the announcement of the boundaries of the new provinces. Among these was the province of Quebec. 16. By this inclusion the inducements offered immigrants into the various provinces (protection of English law, promise of representative government) were extended without thought of the consequences to the province of Quebec.

The claim is not made that all these conclusions are new, for other writers have held similar views on several particulars of the interpretation, but it may be claimed that most of the conclusions are new and that the sum total of the points that have been made create a new interpretation of the Proclamation of 1763.

MAP OF THE BRITISH AND FRENCH DOMINIONS IN AMERICA IN 1755, BY JOHN MITCHELL.

MEMOIR OF JOHN JOHNSTON

BY

HENRY ROWE SCHOOLCRAFT.[1]

[Library of Congress—Schoolcraft Papers.]

The life and character of our late associate Mr Johnston, and the void which his death has left in the Upper Country, where he was chiefly known, appear to demand some further notice than the evanescent columns of a newspaper, and furnish the motive which induces me to offer the following sketches.

Of Mr. Johnston's family and early life, little is known but what he has himself communicated in the reminiscences which he commenced in the last year of his life, and which do not come down later than 1791.[2] From which it appears, that his family was originally of Scottish descent, his great grandfather and sister having left Scotland soon after the massacre of Glencoe, (1692), and formed connexions, by marriage, with the houses of Leathes,[3] of Bury St. Edmonds in Suffolk, and Mussenden, of Herringfleet Hall, Norfolk. His grandfather possessed estates in the counties of Down and Antrim, the latter by lease of the Earl of Donnegal, and the former in fee simple, by the sale of which he realized the funds necessary to execute the water works of Belfast. He subsequently held the appointment of Collector of Coleraine. His father, William, entered the British navy as a midshipman, and was present at the taking of Louisburg. He was appointed Surveyor of Port Rush in the North of Ireland, and married the eldest daughter of John McNeile Esqr. by whom he obtained the estate of Craige, handsomely situated within a few miles of the Giant's Causeway.

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[1]A. D. This sketch was written by Henry R. Schoolcraft immediately following the death of his father-in-law John Johnston in 1828 and it was intended that it should be inserted in the publications of the Michigan Historical Society, organized the same year (*Schoolcraft Papers.* E. James to H. R. S., Dec. 1828 ,and Maj. H. Whiting to H. R. S., Aug. 29, 1833.) For some reason it was not published then, but was used in part in 1844 by Schoolcraft in publishing the *Autobiographical Letters of the late John Johnston of St. Mary's with Prefatory Remarks.* This latter has recently been reprinted (in the *Michigan Pion. and Hist. Colls.* Vol. XXXII) and the Memoir is now printed below in full. (J. Sharpless Fox, Editor.)

[2]These are the autobiographical letters referred to in the preceding note, written in 1828, the last year of his life. They are six in number. (J. S. F.)

[3]For the house of Leathes see Burke *Landed Gentry*, 2-8; also Lucking. *History of Suffolk*. II. 14. For the Mussendens, see Burke. *Landed Gentry*. Baker. *History of Northampton*, I, 604; The Genealogist, IV. 259; VI, 270. (J. S. F.)

Mr. Johnston was born August 25th. 1762,* but losing his father early, his education was directed chiefly by his mother. He was sent to School to an English clergyman at Coleraine, in his seventh year, where he studied English and Latin grammar. About his tenth year he was withdrawn to his mother's house, and put upon a course of Ancient and Modern history, with the aid of a tutor. His evenings were now employed in reading the British Classics and the best dramatist, in presence of his mother, his aunt Miss Johnston and his brother and sisters, while the females were employed around the table at their needlework. He always referred to these domestic readings, as a period of unmixed enjoyment, fraught equally with instruction and delight. But regretted that his passion for belles lettres had led him to neglect the severer branches of study, for which he enjoyed the most favourable opportunity by his residence in the immediate vicinity of the Acad[emy] of White Park, where the Revd. Mr. Sturrock's reputation as a tea[ch]er drew together the sons of some of the principal gentlemen of the country. How far he participated in these advantages, he has not told.

In his 17th year he went to reside at Belfast, for the purpose of superintending the water works, by which the town had been much improved, and the income of which was now increased. He speaks of this portion of his life, as one, in which he had a good deal of leisure on his hands, which he employed between miscellaneous reading and the enjoyment of fashionable life. But the lease of the water works, which was held from Lord Donnegal on a promise of indefinite renewal, was now drawing to a close, and the increased importance of the property seems to have operated on the mind of the present proprietor of the soil, in declining to fulfil the promise of one of his ancestors, as to any further renewal. Mr. Johnston determined not to become a burden on his mother and aunt, and raising £400 upon the remainder of the lease, came to t[he] resolution of going abroad.

He, at first, turned his thoughts to India, but on a conference with Lord Macartney,[4] whose patronage he solicited, he altered h[is] mind, and determined to avail himself of his Lordship's kind offer to procure him letters to Lord Dorchester the then Governor General of Canada, with whom he had himself no personal intimacy. He accordingly re-

*Michigan Pioneer & Historical Collections, Vol. XXXII, p. 306, gives 1763.

[4]George Macartney (1737-1808) was born at Lissamoure, Antrim, Ireland: educated at Oxford, and won distinction as envoy to Russia in 1764. He served in Parliament, resigning to enter the Irish House of Commons. Later he became Chief Secretary for Ireland. In 1780 he became governor and president of Madras, and in 1786 declined the offer of the Governor Generalship of India. He was made Earl Macartney in 1792 and was afterward employed in diplomatic missions to China and Italy. (J. S. F.)

ceived letters from Lord Liverpool[5] and Mr Brook Watson,[6] two of Lord Dorchester's best friends, and having made his arrangements, embarked on board an American ship at Belfa[st] for New York, Jun. 1790. The passage was prosperous and furnished no incidents of unusual character, except a short chace [sic] from an Algerine cruiser, who fired several unsuccessful shots, but was compelled to give up the chace. A heavy squall was encountered in crossing the Gulph [sic] Stream, after which the weather was pleasant until the vessel hove in sight of Long Island. The beauty of the scenery, as the ship entered the Narrows and passed up the spacious bay, and the unexpected splendour of the city, as she rounded Governor's island, quite transported him. And he was equally pleased with his reception at the first hotel where he called, and with the general condition and manner of the inhabitants. He remained on board the ship during the night of her arrival, for the pleasure of putting his feet on American soil on the completion of his 28th year. He here met his *brother, William*,[7] who had preceded him some years, and had embraced the mercantile life. While in the city, he has recorded the pleasure it afforded him to behold General Washington, whom he saw at church, and regretted, that the shortness of his stay prevented the honor of an introduction.

His journey to Canada contains several graphic descriptions, and amusing and characteristic anecdotes, which cannot but be read with great interest. But I am compelled to pass them over, from the difficulty of compressing them, and the recollection that I shall want to occupy the space to which I limit myself, chiefly by the incidents of those parts of his life which he has not detailed. He reached Montreal without accident, where he met an old friend and acquaintance in Mr. *Andrew Tod*,[8*]

[5]Charles Jenkinson (1727-1808), first Earl of Liverpool, rose to favor and prominence as one of the "King's friends." He was Secretary at War under Lord North —1778-1782, and President of the Board of Trade 1784-1801. He was created Earl of Liverpool in 1796. (J. S. F.)

[6]Brook Watson (1735-1807) was born at Plymouth, and went to sea at an early age. He was commissary under Wolfe at Louisbourg in 1761. Settled in London as a merchant in 1759 and was Commissary general to the army under Sir Guy Carleton (later Lord Dorchester) 1782-1783. He was member of Parliament for London 1784-1790, and became Lord Mayor 1796. In 1798 he was Commissary general to the English army in Great Britain, and was knighted in 1803. (J. S. F.)

[7]Cf. *Mich. Pion. and Hist. Colls.* XXXII, 331, 333, 335; also in this Memoir. (P. 82). (J. S. F.)

[8]Andrew Tod was a junior partner in the firm, and nephew of its senior member, Isaac Tod. The latter traded with Detroit on a large scale, and became a large land owner about Detroit. *Mich. Pion. and Hist. Colls.* XXXII, 337. (J. S. F.)

*The name should be spelled Todd. He was an Irish gentleman of large means and returned to Ireland and died there. He left a large estate in Detroit.

C. M. Burton.

Mr. Schoolcraft said Mr. Tod invited Johnston to settle at New Orleans, where he had been given the monopoly of the fur trade by the *Gov. Gen. of Louisiana*.— C. M. B.

of the house of Tod, *Magill* [8½*] and Co. then largely engaged in the North West Fur Trade and who, on imparting his plans, urged him strongly to accompany him to the Lakes the ensuing spring. A proposition to which Mr Johnston assented, should he not succeed with Lord Dorchester. This gentleman, better known perhaps, as the Sir Guy Carleton of the Revolution, was then on the eve of his recall, and was succeeded in commission, shortly afterwards, by the arrival of General Sir Alured Clarke.[9] Lord Dorchester however, concluded not to risk his family at so late a season, and did not give up the reins of government till the following Spring. He received Mr Johnston very kindly, but it was not in his power to offer him any place worth his acceptance.

Mr Johnston had, at this time, some thoughs of a Commission business, founded on opening a direct trade with Ireland, instead of the circuitous route, and expensive mode of warehousing and re-shipping Irish products through Great Britain.[10] And at the request of Lord Dorchester drew up a memoir to be submitted to the merchants of Quebec, before whom the plan was discussed at a public dinner given for the purpose. They admitted the feasibility and advantages of it, but candidly confessed, that their connexion with English merchants was such, that they could not consistently withdraw their orders from them. His Lordship then offered him the grant[11] of a township of land on the Acadia border, but on enquiry, it was found that the fees of entry, and other requirements, would prove a most heavy drawback. He therefore declined the acceptance of it, and returned to Montreal, where he was received with the utmost kindness by Mr Tod, whose proposition he now accepted. He

[8½]Of James Magill, Alexander Henry wrote in 1811, "McGill is the richest man "in Montreal and can command more cash than anyone, and has no person alive of "his family to leave it to, but must give it to strangers—Canadians, his wife's "children, who will not thank him." He became however, founder of McGill University. *Askin Papers in Mich. Pion. and Hist. Colls.* XXXII, 475. (J. S. F.)

*Magill was largely interested in Detroit real estate and by his will gave sixteen hundred acres of land on the Detroit river, in Michigan, to John Askin, a life long friend. C. M. B.

[9]Sir Alured Clarke (1745?—1832) served in the British army in America during the Revolution, succeeding General Burgoyne to the command of the Hessian troops; was lieutenant general of Jamaica 1782-1790. Having been advanced to the rank of major-general, he was appointed to staff at Quebec, where he was stationed, June 1791 to June 1793. He then served successively at Gibraltar, in India, and South Africa. In 1798 he succeeded Sir Robert Abercromby as commander-in-chief in India. Returned to England in 1801. (J. S. F.)

[10]This indirect trade through English ports had its origin in the tyrannical trade laws under which Ireland long languished, and which had for their object English commercial monopoly. Taking advantage of the American Revolution and attendant disorders, the Irish had forced a repeal of the obnoxious laws (1780), and obtained complete equality in trade. For a long time however, trade kept its old channels. (J. S. F.)

[11]No mention has been found of this grant. Several associations at different times traded under grants from Spanish governors, well up the Missouri, but without much success. Chittenden, *Hist. of the American Fur Trade in the Far West*, I, 94. (J. S. F.)

brought from Lord Dorchester a letter to Sir John Johnson,[12] of whose character he had formed a high conception, and with whom an intimacy commenced, which was uninterrupted during life. He passed the winter at Varennes, for the purpose of perfecting his knowledge of the French language, the study of which he had commenced before leaving Ireland, and which he soon attained to speak fluently.

In May 1791 he embarked with Mr. Tod for Michilimackinac, the journey to which place, in a birch canoe, afforded its novelties. At this place he met an acquaintance in Capt. Charleton commanding the post, by whom he was received with hospitality. The sketch he gives of a town filled with goods, furs, traders and boatmen, and the scenes of song and revelry indulged in, by the men just returned from their wintering stations, conveys a lively idea of what that place was forty years ago.[13] When the press of business had subsided, Mr. Tod fitted him out with a canoe of the largest class and five boatmen, to winter at Lapointe, in Lake Superior, as he preferred a northern station. And now the beauty and wildness of "the lake's magnific form", as he terms it in one of his compositions, first burst upon his sight, and it is not improbable, that with his warm and vivid fancy highly susceptible, as it was, of poetic associations, its scenery had the effect to create a local bias, which influenced his final settlement in the country. It was late in September before he reached his distination [sic], and he there found Count Andriani, an Italian gentleman who was taking observations to determine the problem whether the earth was raised or flattened towards the poles. He informed Mr. Johnson that lake Superior was elevated 690 feet above the Atlantic, a result not greatly exceeding my own estimate,* with the advantage of accurate levels for 5-6 of the measurement.

Mr. Johnston put up a house and *hangard* of logs, and made such other arrangements as are customary. The men who in this trade are employed as boatmen on the voyage, are kept at work inland, in chopping wood, fishing, or collecting furs—thus leaving the *bourgeois,* or master, a good deal of leisure, which can be profitably employed in mental improvement, if he possess any inclination for books, or useful inquiry. Mr Johnston set himself about the acquisition of the Indian language, and the collection of their traditional information, with such slender aids as he could command among his men, and with results, respecting the Indian traditions, which I shall mention in a subsequent place. The

[12]Nephew of Sir William Johnson of New York. (J. S. F.)
[13]See Johnston letters, *Mich. Pion. and Hist. Colls.* XXXII, 340. (J. S. F.)
*641. (Schoolcraft's note.)

language he soon acquired. It was his fortune also, to receive an early lesson in the hardships of a northern winter, the duplicity of *engagées,* and the [h] azards to which the spirit of rivalry gives rise. Several of his men deserted him, with the connivance of an opponent, carrying off a fishing canoe with its *agres,*† his nets, axes, oil cloth, etc. and leaving him to cut his own fire wood, with the aid of a single boy. He was also a witness to the unfeeling manner in which a superannuated chief of the place was treated, after having disposed of his furs, with the recital of which his "Recollections" terminate.*

* * * * * * * * * * *

But even now, causes began to be put into operation, which were destined to undermine the sources of his prosperity. These will be mentioned at the particular time that their effects became visible, and in the meantime, I shall advert to domestic incidents, which had a powerful effect, both in creating joy and sorrow.

In 1804 his mother died in Antrim, an event which brought into his possession the estate of Craige, and put an end to the design she had formed, of taking his eldest daughter, Jane, to be brought up under her own care. His elder sister Mrs Moore,[14] consort of John Moore Esqr of the Royal Navy, Wexford, being without children, now solicited to be allowed to fulfil her mother's intentions, and being earnestly joined by Mr. Moore in the request, Mr. Johnson yielded his assent. As the situation of his Irish property now required his attention, he determined to take his daughter with him in the contemplated visit. He embarked at Quebec in 1809, accompanied by his daughter, and after a tedious and tempestuous passage, owing to the advanced state of the season, landed at Cork, late in the autumn. He proceeded by land to visit his friends in Dublin, and afterwards in Wexford, where he left his daughter, whose health had suffered severely on the passage, and since their landing, and then continued his journey to the North of Ireland.

While absent Mr Moore died suddenly, from the bursting of a blood-vessel, while on a visit at the house of a friend, in consequence of which Mr Johnston hastened his return. He found the state of his daughter's health, which was affected by the moisture of the climate, no wise improved, and her spirits much depressed by the sudden death of Mr Moore, whose unremitting kindness and attention during the winter had

†In the patois of the North West—the whole furniture and tackle of a canoe. (Schoolcraft's note.)

*This part of the biography is found in Mich. Pioneer & His. Coll. Vol. XXXII, pp. 342-345.

[14]Mr. Johnston named his eldest daughter, Jane, wife of Schoolcraft, after her. (J. S. F.)*

excited her love and esteem. It was thought her health required her return to America, and giving up the advantages of an education which she had scarcely commenced, and the flattering prospect presented to her as the adoptive daughter of Mrs Moore, she cheerfully re-embarked with her father in the beginning of April 1810. On his return, he visited London. The particular object of this visit is not known to me, but is beleived [sic] to have arisen in part, from a correspondence with certain members of the North West, or Hudson's Bay Companies. It had also been his wish on going to England to provide for the entry of his sons, Lewis[15] and George,[15½] into the army and navy, to effect which he counted upon the influence of the Marquis of Hereford and Sir Edmund McNaughton, his cousin. One of the first incidents after his arrival was the loss of his pocketbook, contain[in]g letters of introduction etc. having been picked in a crowd near the Exchange.

During his stay in the metropolis he received from Lord Selkirk[16] the offer of the Governorship of Hudson's Bay, with suitable appointments—an offer, which, after mature deliberation, and several conferences with his Lordship, he prudently, as it is thought, declined. Among the reasons which had weight with him, was the remoteness and unsettled state of the territory, which offered no advantages for the education of his children, now become numerous, and the consequent unpleasantness of the removal to their feelings. It is since known that Mr Semple,[17] who accepted the post, was shot on the plains of Red River, in a rencontre with a party of *bois brules* and Indians, who had set his authority at defiance, and he was actually tomahawked and scalped by the Indians, who, as well as their Christian associates, were supposed to have been instigated to this

[15]Lewis Johnston, his eldest son, entered the British navy and served on board the Queen Charlotte when she was captured by Perry's gunboats. He was afterward an officer in the British Indian Department at Malden, where he died in 1825. *Mich. Pion. and Hist. Colls.* XXXII, 307. (J. S. F.)

[15½]George served in the British army, and was in the engagement at Mackinac Island, August 4, 1814. *Mich. Pion. and Hist. Colls.* XXXII, p. 307.

[16]Thomas Dundas, fifth Earl of Selkirk (1774-1820) was at this time just on the point of establishing his famous colony in the Red River district. He originally contemplated making the settlement at Sault Ste. Marie, and had already made two unsuccessful attempts elsewhere. While in Canada, he formed the design of gaining control of the Hudson's Bay Company, and entering into competition with the North West Company for the fur trade. This he achieved by purchase of Hudson Bay stock to the extent of two-fifths of the whole, or $100,000 (1811). He then secured from the Company a grant of 160,000 sq. miles in fee simple, in the Red River District, which he proposed to colonize by his independent efforts. The plan necessitated his having a civil governor over the Hudson's Bay Co., who would befriend the colony in its inevitable conflict with the North West Company, over whose field of operations the grant extended. Kingsford, *History of Canada* IX, 108-113; Winsor, *Narr. and Crit. Hist.*, vol. VIII. (J. S. F.)

[17]Gov. Semple was appointed May 19, 1815, and arrived at the Red River Settlement Nov. 5 of the same year. The event alluded to occurred June 19, 1816. Kingsford, *op. cit.* IX, 121-130; *Minn. Hist. Colls.* V, 381. (J. S. F.)

atrocious act, by the partners of the North west Company. Mr Johnston, who from his experience in the country, had confidently predicted this state of things to the Directors in London, was not disappointed in the result.

While in London Mr Johnston made acquaintance with a Mr Black—a gentleman in some way connected with the British Bible and Foreign Missionary Society, in consequence of which a box of bibles, and a Missionary to labour in the conversion of the Indians, were sent to Canada. The missionary having probably formed no definite idea of the true state of settlements in that quarter, and the privations to be encountered, declined proceeding to the territories of the Chippewas, where it was designed he should have commenced his labours, and left an inference to be drawn, that his zeal in this object needed stronger excitements. Mr. Johnston's Poetical "Petition of the Ojibwa nation of North American Indians to the London Society for Missions" was addressed to Mr Black, and published among the missionary papers. It may be referred to, as shewing his opinion of the radical defect of the Jesuit missions in Canada.

Before quitting the British metropolis an opportunity was opened of his being presented to the King, along with several other gentlemen who were waiting for the purpose—an honor which he had the firmness to decline. For it must be allowed that firmness was required, when we reflect that he was a loyal subject, an ardent admirer of the King and constitution, and deemed the honor of an introduction one of the most flattering kind. But it is probable, that in the position in which he was placed, as a resident of a remote part of a remote province, he saw less advantage to be derived from it, than would have attended a person differently placed; and he said himself, that it would probably have increased his vanity and pride, which he found it a sufficient task to restrain, without extra excitements.

On the route from London to Liverpool, his travelling desk, contain[in]g money, jewelry and papers, was stolen from the carriage. He embarked at Liverpool near the middle of June, but the delays attending a passage across the Atlantic, before the present improved facilities were introduced, consumed the summer, and a long inland voyage, in which the mode of conveyance is often shifted, made it very late in November before he reached St. Mary's. Here he had cause, as he remarked to felicitate himself on the enjoyment of domestic quiet, and a peaceful seclusion, so different from the pomp and splendour, which his recent visit served to remind him, prevailed in the polished circles of his native land, and among several of his friends and relatives, whom he had found greatly

advanced in wealth and place. And from this period he appears to have relinquished all idea of a permanent return to Ireland. It had been proposed to him while in Dublin at the table of his cousin the Right Honerable [sic] William Lawrin Attorney General of Ireland, that his friends should unite their influence in making provision for his return, and the advantages of a permanent place, and adequate salary were strenuously urged. But the proposal was finally met, on his part, by the insuperable objection, that he could not abandon his wife in America, by whom he had several children and to whom he was tenderly attached, and that it was equally impossible to introduce her into a state of society, so different from all she had before known, that she could not fail to be insupportably unhappy. His strong attachment to his wife and children, formed indeed, a striking trait of his character. And to their happiness he now devoted himself, with unceasing care.

He had placed his eldest sons Lewis and George, at Montreal as soon as they became of proper age, with the advantage of attending the best schools the place afforded, where they were taught the common branches of an English education, and the French language. They had joined the family at St. Mary's before his late visit, and the whole family being now once more embodied by the return of himself and daughter, he found himself surrounded by an interesting group of children, whose health and education had formed one of his most pleasing cares during their infancy, and whose welfare and steadfast adherence to principles of virtue, honor and piety, formed the subject of his most anxious solicitude, now that the elder began to verge on maturity. It should not be omitted, that in addition to his own children, he had adopted in infancy, Nancy Campbell,[18] the daughter of a friend and countryman, who fell in a duel near St Joseph's, in which he had attended him to the field, and she was brought up and treated in every respect with the care and tenderness of one of his own children.

He had early imbued the minds of all his family with the leading principles of the Christian religion, as explained and enforced in the Church service, and was constant and zealous in the observance of its forms, accompanying morning and evening prayer with a portion of the Psalms, and a sermon (most commonly of Blair, Saurin, or Chalmers) on the

[18]Captain Campbell was first American Indian Agent at Prairie du Chien, appointed in 1807. For some years previous he had traded among the Sioux. Lieut. Pike mentions him in his *Travels* (vol. 2) as being at Prairie du Chien, a prominent citizen and a Justice of the Peace, when he made his second visit to that place. The duel alluded to was the result of a quarrel with Lewis Crawford, a trader at St. Joseph's, and occurred about 1808 or 1809. *Wis. Hist. Colls.* II, 120, 126; III, 258, 259n, 289. (J. S. F.)

sabbath. He read impressively, and generally closed the service with some extemporaneous practical remarks. He ardently felt himself, and he had habitually taught every member of his family, to look to God, through the merits of the Saviour, as the giver of every enjoyment, and the sole object of rational supplication. If any signal success attended his business, or household, he made it the occasion of especial acknowledgement, and was equally attentive to refer to its true source, and to admit with most heartfelt conviction, the justice of losses and afflictions. Life and death, riches and poverty, honor and disgrace, were, in his mind, the ready gifts of a superintending deity, who could never err, either in giving or withholding. And though the distribution was often contrary to the awards of human reason, he did not doubt that it was most just, and fully conformable to the dictates of a Higher Intelligence. Feeling thus, and living in a full reliance upon scripture promises—upon which he meditated deeply and spoke often, he was soon reconciled to the untoward occurrences of life, though from the sensativeness [sic] of his mind, and irritability of temperament, few persons experienced more acute pain on the first intelligence of misfortune or disappointment. He had formed a most noble and ennobling conception of the sublime character and attributes of God, as being most immaculate and irreproachable. And he considered the irreverent use of His name, as being not only a gross want of piety, but altogether incompatible with the character of a gentleman.

I have before spoken of his active benevolence, the ready access which a plea of misfortune gained to his heart, and the forgiving nature of his disposition. Punctilious in exacting the respect due to himself, and sensitive to the point of honor, he was equally ready to extend the hand of friendship and reconciliation, and could never rest under the impression that he had been the first to provoke offence, or inflict injury. If he was disposed to entertain settled antipathy to any class of the human family, it was to sceptics in religion, whom he could neither spare in their persons, or their works. He looked with abhorrence upon such writers as Paine, and could not bring himself to think that the genius or talents of a Gibbon and Hume, formed any adequate counterpoise to their want of faith in the Gospel of Christ.

He had read the book of Revelations attentively, with the best modern commentators on it, and took a pleasure in conversing upon this topick, beleiving [sic] its fulfilment to be in rapid progress, and about to be consummated by the downfall of Popery and Mahometanism [sic]. And he looked to the political movements in Europe chiefly with an interest pro-

portioned to the effects they were intended to produce in bringing about results so momentous. I have dwelt longer on this topick, because it reveals a strong trait of his character—so well marked indeed, that no person of observation could be in his company any length of time without perceiving its bias to religious subjects. Those who have read his casual letters, or heard his conversation, need not be told how prone he was to refer to Christian doctrines and duties, and to hopes and fears growing out of domestic and friendly affection. Yet, he did not permit these subjects to engross his attention to the neglect of other duties and enjoyments. He was passionately fond of society so long as it promised either rational amusement, or instructive conversation, being of a disposition at once pious and cheerful—though he seldom participated in scenes of fashinable gaiety without subsequent remorse for the levity, in which a person placed in mixed company must, *nolens volens,* in some measure join.

Mr. Johnston possessed a small, but select library of history, divinity and classics, which furnished a pleasing resource during the many years of solitude, and particularly, the long winter evenings, which characterize the latitude of St. Mary's. It was his custom on these occasions, to gather his family around the table, and while his daughters were employed at their needlework, he either read himself, or listened to one of his sons, adding his comments upon any passages that required it, or upon any improprieties or deficiencies in emphasis, punctuation, or personal manners. In this way information was diffused, and often rendered intelligible to the younger members of the groupe and he thus renewed, in his own family, the scenes in which he had been an actor at his mother's house, in his youth. The time glided away imperceptibly, and every sitting was resumed with the zest of novelty, or the avidity of information.

Mr Johnston was qualified for the task he had thus undertaken by a general acquaintance with ancient and modern history, of which he often gave happy proofs in conversation. His knowledge of English history, poetry and bellettres [sic], at least up to the time of Johnson and Goldsmith, was accurate and discriminating. In commenting upon men of letters and their works, he was not carried out of the ordinary line of criticism of the respective ages in which they flourished, by the desire of offering observations entirely new. The old canons of criticism generally satisfied him. He had read the Tatler, Spectator, etc. with delight in his youth, and thought they could not be too often read. Of the great number of modern candidates for fame, many of whom had sprung up since leaving his native country, he had read comparatively little beyond the

works of Scott and Moore and Byron, and some pieces of Southey and Campbell, and thought it questionable what judgment posterity would pronounce upon most of them. Of the aspirants after literary fame, on this side of the Atlantic, he thought the claims of Irving most undisputed, and read the novels of Cooper with avidity. These remarks might easily be extended, as there are few authors of Great Britian [sic] or America, of whose works, in the course of seven years seclusion together, I have not heard his judgment. But sufficient has been said to shew the models on which he had formed his literary taste. And I am somewhat apprehensive that from the free interchange of opinion between us, it would not always be easy to declare that we had not sometimes adopted each other's sentiments, or that in cases where a general coincidence existed, I should not sometimes allow my own predilictions to have an undue weight.

Having himself been brought up, from his seventh year, under the eye of his mother, and aunt, the influence of female society had impressed his manners with a delicacy of respect, and a regard to the minutest points of propriety in behaviour, which fitted him to be the director of his children; domestic studies, and to teach the observance of many of those delecacies [sic] in word and action, and proprieties in taste; which constitute so essential a part of female education. Still, with every aid that his affection or assiduity could supply, he deemed a few seasons at Montreal, necessary for their improvement. And he began now (1811) seriously to think of putting into execution a design he had long formed, namely to purchase an estate in the vicinity of Montreal, where he pleased himself with thinking he shoul[d] enjoy the means of healthful exercise in superintending the operations of a farm, and at the same time, he was placed in a situation to participate more freely in society, and see his family settled around him. Both these designs, for which he had made incipient arrangement, were frustrated by the war of 1812—an event which was destined to involve him in its consequences, and to exercise a decisive influence over his subsequent life and fortune. At no time during his residence in America, did his prospects appear more flattering than at the time he indulged these hopes, or promise more certainly to ensure to his declining years that "humble independance" for which he so ardently sought. And he had determined to improve the next season, by preparing to with draw from a commerce, the details of which he could never endure.

The news of General Hull's invasion of Upper Canada and the declaration of war by the U. S. reached the British post of St. Joseph's, commanding the pass into Lake Superior, some time before the garrison at

Michilimackinac were apprized of the events.[19] And though nothing less had been looked for, by the officer in command, he received no reinforcement, and was left with 57 effectives, and a delapidated fort [sic], to maintain possession of the Upper Lakes. Captain Roberts, commanding at St. Joseph's determined to take advantage of this state of things to surprize the fort, and being joined by 200 Canadian boatmen under Mr. Crawford,[20] Johnston, and Ermatinger, [20½] 143 Sioux, Winnebagoes and Monomonees under Col. Dickson, [21] and about 280 Chippewas and Ottowas in charge of Mr Askin[22]†he effected a secret landing, with two pieces of artillery, upon the rear of the Island, early on the morning of the 17th July. He then took possession of an eminence commanding the fort, which was the first intimation the garrison had of the proximity of an enemy, or the declaration of war. A piece of artillery was soon got into place, and a flag of truce dispatched with a summons of surrender accompanied by three intelligent Americans who had been taken prisoners, and who united with Lieut. Hanks and his officers in opinion, that no effectual resistance could be made, while a shew of defence would only tend to exasperate the Indians, and lead to a general massacre of the inhabitants. Thus fell, the American power at Mackinac, and it may be said, in the Upper Lakes,[23] after having been exercised—very feebly it is true over the remote districts, for sixteen years, nor was it destined to be reasserted by the force of arms, during the war. In the act of taking possession of the village, an event occurred which served to place Mr Johnston's humanity in a strong point of view. The Indians who had

[19]War was declared June 18 and the news reached Sir Isaac Brock in Upper Canada June 24, General Hull July 2. The British at Malden got word June 28, and sent the news by runners to St. Joseph's, reaching there July 8. The first intelligence Lieut. Hanks at Mackinac had of the declaration of war was a summons to surrender July 17. Cutcheon, *Michigan as a Province, Territory and State* II, 178-180; Lucas, *War of* 1812, p. 25 and note. (J. S. F.)

[20]Lewis Crawford, previously referred to in connection with the Campbell duel, was from St. Joseph's.

[20½]Charles Oaks Ermatinger and the subject of this Memoir were from St. Mary's. The latter's influence was especially valued by Gen. Brock. Bryce, *The Remarkable History of the Hudson's Bay Company*, 309-310; *Mich. Pion. and Hist. Colls.* XV, 102, 112, 124. (J. S. F.)

[21]Robert Dickson was a Scotch trader of strong character, who had acquired a remarkable influence over the tribes west of Lake Michigan and east of the Mississippi. He afterward led 200 Indians to the defence of Mackinac in 1814. See *Wis. Hist. Colls. passim; Mich. Pion. and Hist. Colls.* XV, 180; Kingsford, *op. cit.* VIII, 512; Bryce *op. cit.* 327. (J. S. F.)

[22]John Askin Jr., son of John Askin of Sandwich township, Upper Canada, sent a lively account of the capture to his father. *Askin Papers* in *Mich. Pion. and Hist. Colls.* XXXII, 482-483; also XV, 112; *Niles Register*, vol. II. (J. S. F.)

†Brannan's Official Letters. (Schoolcraft's note. Full title. See notes where cited. Ed.)

[23]The capture of Mackinac was a determining factor in the western field of operations. By it British prestige was secured, and the Indians of the Upper Lakes were launched against Detroit. The fall of the latter was involved in it. Mahan, *Sea Power in its Relation to the War of* 1812, I, 304-307. (J. S. F.)

accompanied the troops, not satisfied with so pacific a termination of affairs, were in the act of staining their tomahawks with the blood of an American citizen—a gentleman of great worth and amenity of manners—when Mr Johnston opportunely arrived to interpose his authority, and drove back the infuriated and disappointed warriors with loud reproaches upon such dastardly conduct. This decisive interposition, probably had a governing effect upon the whole body of Indians, for had they once been permitted to draw blood, it is highly probable a general massacre would have followed.[24]

The events which succeeded Gen: Hull's invasion and the movements of contending armies on the North Western frontier of Ohio until the retaking of Detroit in the fall of 1813, withdrew all attention from the minor posts on the Upper Lakes, to regain the smallest of which, required a force and preparation quite disproportioned to their importance, for they were separated by a long line of wilderness from the seat of war, and their re-capture presupposed the defeat of a very large body of Indians, of all nations, who could be concentrated, on short notice, at almost any given point. Col. Croghan's expedition for the retaking of Mackinac was resolved on immediately after the re-occupation of Detroit, but as the concurrence of a naval force was necessary, he did not enter the upper lakes till the following Spring.[25] After the destruction of St. Joseph's, and the buildings of the North West Company, it was deemed proper to send a detachment in boats to St. Mary's,[26] where this active Company had also, an important depot, and where it was currently reported Mr Johnston had likewise in charge for them, a large quantity of goods and provisions, which were issued for the support of the hostile Indians. This statement, so far as respected Mr Johnston's having in charge goods for the N. W. Company, or having any commercial connexion whatever with that Company, was wholly groundless. Nor did he at that, or any other time, permit property to be issued from his stores to Indians, except in the usual mode of exchange for furs. As he was, however, known to be a British subject, and a man of sanguine temper, who did not disguise his opinions, the reports must have appeared quite plausible to officers

[24]"The Indians were like devils," wrote Askin, "* * * and would have killed Capt. Hanks (I'm told) had they not been prevented. A happy thing for the Americans that they did not fire a shot, for had they fired and wounded any person, not a soul would have been saved from the hatchet." (J. S. F.)

[25]The expedition left Detroit July 1, 1814, and consisted of five vessels of the Lake Erie squadron, and two gunboats. Cutcheon, II, 238; Kingsford, VIII, 514, 515. (J. S. F.)

[26]Col. McDowell had summoned aid from St. Mary's, and John Johnston had responded by leading 100 men armed and equipped at his own expense to the relief. Major Holmes was sent to intercept this party but failed. *Mich. Pion. and Hist. Colls.* XXXII, 306; Kingsford, VIII, 515. (J. S. F.)

making their first entry into the country—and that an enemy's country. But the persons who had fabricated these charges, did not stop here. By way of accounting for the fact, that Mr Johnston's buildings were situated on the American side of the line, as drawn in the definitive treaty of peace of 1783, it was stated that he had before the breaking out of the war abjured his allegiance to the British government, and accepted the offices of Collector and justice of the Peace under the American government—thus endeavouring to make him appear guilty of double perjury. Nothing could be farther removed from the truth. He had neither changed, nor ever meditated a change of his allegiance, nor did he ever exercise, nor claim to exercise, the privileges of an american citizen, beyond the power which every foreigner possesses, of claiming the protection of the laws for life and property. He never voted at an election, nor served on a jury in the U. States.

What effect these contradictory statements had upon Major Holmes and the troops under his command, in their expedition to St. Mary's, cannot, of course, be stated. But there is proof in the acts which marked their visit to Mr Johnston's stores and dwelling house, that their feelings had not only been biased, but were greatly exasperated against him. The detachment reached St. Mary's on the 23rd July, a short time after the arrival of his annual supplies from Montreal, and at a moment when he was absent, with his eldest daughter, on a visit to Mackinac.[27] They landed at the establishment of the N. W. Company on the British shore, and lost no time in effecting the object of their visit. In the evening Mr George Johnston received an order to repair to the quarters of Major Holmes, which is here inserted to shew the tone of feeling which had been produced in this officer's breast, by the malevolence of petty informers.

"N. W. Co. Agents' July 23. 1814.

"Mr Johnston,

"I require you to report yourself to me tomorrow morning at 6. O.clock A. M. and to bring with you an inventory of the Goods and property in your possession belonging to the N. W. Company.

"I am ordered to respect private property; but if I discover that you have secreted *any thing whatever*, it will be my duty to destroy your houses and furniture, and to take you prisoner to Michilimackinac.

"I am, etc. etc.

"A. H Holmes

"Comds. U. S. Troops at St Mary's."

[27]See note preceding. (J. S. F.)

On presenting himself in compliance with this order, Mr Johnston the younger, declared that there was no property in store belonging to the N. W. Company, or to government. That neither his father, nor himself had ever been an Agent of the Company, or government, and that the goods on hand were exclusively private property. But prejudices when once excited are not easily effaced, and it is probable Major Holmes thought a son too much interested in the prosperity of his father to be entitled to implicit faith, in a question of this magnitude. He was detained a close prisoner, while the detachment crossed the river, and landed at the premises. Meantime on the first appearance of the troops the day previous, Mrs. Johnston, alarmed by a report that a party of Iroquois were coming up by land, hastily gathering up the plate, fled with her younger children and Miss Campbell into lake Superior, without even taking time to provide a supply of food. I have always deemed it a subject of regret for Mr Johnston, that he had not himself been present to receive the commandant at his own door, as I think his own declarations, added to his manners and conversation, could hardly have failed to undeceive the commanding officer as to his real character and sentiments, at least so far, as to save his dwelling from an indiscriminate pillage. As it was, Mr Holiday a clerk,[28] was the only person in charge, and he had the unpleasant task of leading the way through stores, cellars and apartments which were soon emptied of their contents. It can afford no pleasure to give the details of a transaction, of which the general result is summed up in private suffering and injustice. And perhaps nothing is more difficult, after the lapse of a few years, than duly to appreciate the feelings under which such transactions take place. The amount of property taken or destroyed on this day is stated in an invoice before me (including five years interest) at £9.035.14.0 Halifax currency; but this includes no part of the property taken at St. Joseph's, or at Matchedash bay, at both which places it was the lot of Mr Johnston to suffer from the incursions of our troops.

I shall now accompany the expedition to the island of Michilimackinac, where Mr Johnston remained in ignorance of the losses he had sustained, when the squadron under Commodore Sinclair hove in sight of the town. Capt. Roberts who had remained in command of the post since its capture, was releived [sic] in the spring of 1814 by Lt. Col. R. McDowell[29] with a detachment of the Glengary Light Infantry. In other respects the defences remained nearly the same, except the erection of a small work

[28]John Holliday. Cf. *Minn. Hist. Colls.* V. (J. S. F.)

[29]Mc Dowell entered the army in 1796, and by meritorious service, rose to the rank of major general. He died in 1848. Kingsford, VIII, 511. (J. S. F.)

on the apex of the island, which was latterly known under the name of Fort Holmes. But the actual force,, in regular troops, was but thirty men."[30] This fact, as well as some others which I shall state in regard to the seige [sic]—for such, it may with propriety be called, from the the [sic] length of time it was invested—is derived from persons resident at the time either in the town, or fort.

The squadron was first descried at day break, with a light breeze favouring its coming up, but one which it was not thought the commodore would trust to, to get his vessels into the harbour—as it was beleived [sic] by Col. McDowell that this would be the point of attack. He immediately ordered the inhabitants of the town to remove their most valuable effects into the fort, and organized the inhabitants into a volunteer corps. This was performed with such celerity, that before sun set the town was completely deserted, so as to admit of its being fired into, should a landing be made, as was expected, that night. No attempt however was made, and several days passed before a landing was effected,[31] during which time the squadron was often under sail, and kept the garrison in a state of perpetual alarm. Reports and counter reports, were flying from various parts of the island, which were often unfounded, but which it was never prudent to neglect. The troops were thus constantly harrassed with short and sudden marches. It was now the season when the Indians resorted to the Island for their annual presents, and every day that the action was kept off, increased their numbers and confidence. There are no accurate data for estimating their force at the time the descent was made, but from the numbers who are usually in, at that season, and the efforts made to collect them, it is not probable that there could have been less than 8 or 900 warriors, and they were well supplied with guns and ammunition, and had a very favourable field for the display of their tactics.

Nearly the whole of the western part of the island, where Major Holmes landed, is covered with a thick growth of saplings, affording a shelter for Indians, the number and disposition of whom, were thus effectually concealed. And they were so dispersed along narrow paths and openings, by which this labyrinth of brush is intersected, that it would hardly seem possible for the number of men he had with him successfully to penetrate to the clear grounds in the rear of the fort. When the number of concealed assailants was ascertained from the weight of their fire, the most skillful movement would perhaps, have been, a retreat to the beach, for

[30]The garrison had been diminished by the expedition sent June 23 to retake Prairie du Chien. McDowell's force is given by Kingsford as 190 regulars, militia, and Indians. (J. S. F.)

[31]The American squadron arrived off Mackinac, July 26; the disembarkment occurred Aug. 4. (J. S. F.)

it was impossible to carry into effect a charge in so close matted a wood, which was still further rendered impenatrable by the Indians lopping down the tops of the saplings with their hatchets, so as to form a kind of breastwork. Col. Croghan, whose conduct on this occasion has not escaped censure, hastened to land for the support of Major Holmes, and merits applause for having perceived the true position of his troops, and ordered a retreat, by which he brought off his shattered ranks, with the wounded, who must inevitably have fallen victims to further obstinacy in the attack. Major Holmes fell at the head of his column gallantly encouraging his men. His body was preserved from the mutulation [sic] of the scalping knife, by a faithful servant. who concealed it beneath a decayed log, where it was found next day, and delivered to the flag of truce sent to demand it. Even the watch in his pocket had been left untouched.

The squadron continued to invest the island for several days after the action. Its final departure was marked by an instance of bold and decisive resolution, and gave rise to a most beautiful naval and military display. Col. Croghan having resolved to land at the town, and assault the fort in front, the seven vessels composing the squadron, got under weigh from the western shore, and following each other, with their sails spread, and a commanding breeze, their ensigns flying, and the troops paraded on the decks, approached from the direction of Point St. Ignace, and entered the narrow channel which separates the town from Round Island. But in the meantime, a battery of hot shot had been erected on the cliffs, and the whole force of the garrison put in motion, who poured their shot at a great depression upon the vessels decks. Commodore Sinclair exchanged some random shots, but could not elevate his pieces to bear on the fort, and finding the situation a perilous one, declined risking his vessels during the time necessary to disembark. He sailed through the harbour, and held his course down the lakes, and the expedition thus closed.[32]

During the battle, but two American prisoners were taken. They were brought into the fort, before Col. McDowell returned from the field, and received every attention. They were severely wounded, and had no clothing remaining but their pantaloons and shirts, which were clotted with blood. Their wounds were dressed, and [shirts immediately made for

[32]Two vessels, the Tigress and the Scorpion, were left behind to blockade the island, but they were surprised and taken Sept. 3, by the more enterprising enemy. Sir James Yeo in referring to the capture wrote, "The importance of this service is very great. Had not the naval force of the enemy been taken, the commanding officer at Mackinac must have surrendered." Mahan, *op. cit.* II, 326 and note. (J. S. F.)

them by Miss Lafromboise† and Miss Johnston]* linen garments immediately made for them by two young ladies in the fort. One of these men died of his wounds during the night. The other was sent on board the fleet, in the act of their departure, by a canoe dispatched by Col. McDowell with a communication demanding repayment for the private property destroyed at St. Joseph's and St. Mary's. It may here be added, that prompt payment was made to Mr Crawford for the losses himself and others had sustained at the capture of St. Joseph's. With respect to Mr. Johnston's loss Commodore Sinclair observed. "I am happy to have it in my power to say in reply, that my own sense of honor and sense of justice completely accord with the instructions of my government, as relates to individuals and their property, both of which will ever be held sacred. I have given Mr Crawford an extract of my instructions to the naval officer who participated in the expedition to St. Mary's, which must at once assure you that it is my determination to comply most strictly with what I here profess. Col. Croghan's I know were very similar, as his instructions from the war department are precisely such as mine from that of the navy. Major Holmes who commanded the troops sent to St. Mary's, brought some goods which he officially reported to Col. Croghan to be good prize agreeable to the Laws of Nations, as stated in the case of Admiral Rodney adjudged by Lord Mansfield, but as neither of us can judge in the present case, as it has been represented to us by the above named officer in his official report, we can only assure you, that the strictest justice shall be done to the individual, should it appear that it is such property. I have had an accurate inventory taken of all the property brought on board my squadron, and I assure you, a just and proper representation shall be made, to the court which adjudges it, and an immediate return made accordingly."

This was the last certain information Mr Johnston received on the subject of an adjudication, and repayment for the property carried off. He now returned to St. Mary's with feelings which it would be difficult to describe, for the half of his injury has only been told. He had not only suffered a total loss of the goods and provisions intended to supply the interior trading posts for the year, but was compelled to discharge many of his people, and to relinquish advantages which an active opposition stood ready to avail themselves of. He had seen the fruits of twenty three years assiduity, swept from his grasp in a few days, and was left

†Late Mrs. Pearce. (Schoolcraft's note.)
*Canceled type.

at the age of 52, with a large family, to renew his efforts to provide for their security, as best he could. Such are the consequences of war when its visitations fall upon individuals!

Mr Johnston was not, however, of a disposition to repine at the decrees of providence, and he set himself about "to gather up the fragments" of his means, with a dignity and resolution, which exalt a man under misfortune. This feeling will be best shewn by some passages of his letters, written at this time, to one [of] his family[33] at Mackinac. Some rumours of another ascent of the St Mary's river were now circulated. (Sept. 17th.) "The Americans have not yet renewed their visit, which is perhaps owing to their having left nothing worth coming for. I hoped to have seen you long before this, or to have sent an express overland, but no Indians could be got, as we could not supply their family with provisions. We have just one bag of flour, and our little crop of wheat, to sustain us during the winter. The two barrels I took from Mackinac, I had to give among my poor, starving people, who were going into the Lake, with a few blankets, and a little ammunition, instead of ample equipments. Thus it is the will of God that we should be reduced from plenty to a scarcity of every necessary of life; but his holy will be done. We must not repine, let us rather reflect on all his mercies with love and gratitude, and with humility and submission bear our present distress, which he can soon change again to plenty, and every comfort we were accustomed to have." A few days after, on some hopes being held out, of his getting remuneration for his losses, he wrote—"The news I hope will prove true, but my mind is made up to the disappointments of this world, so that if it does not take place, I shall not suffer the loss, though a most heavy one, to cast me down. I propose setting off for Mackinac in a few days, and if possible, for Montreal. We are busy getting in our harvest, which though little, is very fine, except our potatoe crop, which, from the early frosts, has failed. As my word once given, I hope ever to hold sacred, I have sent my only ox for the use of the garrison, though obliged to kill a milch cow in its place."

The intention here expressed of visiting Montreal, he executed late in the fall, and passed the winter there, partly in arranging his affairs, and partly preparing to lay his claims before the British government. In the month of January 1815, he wrote as follows.— "Sir George† received me with great kindness, and has forwarded the estimate of my losses to *Lord Bathurst*, but I cannot form any opinion of what may be the result.

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[33]Crossed out,—"a daughter." (J. S. F.)

†Prevost. (Schoolcraft's note.)

Merchandize, as well as provisions are at a price never before heard of, and are expected yet to rise, and the price of labour and consequent insolence of the common people, is beyond all bounds."

Fashionable life is thus noticed.— "We have nothing but a suit of dinners, balls, suppers, etc. which become absolutely oppressive, and where real happiness is sacrificed to external appearance, and the gentler virtues of the heart and solid improvement of the mind is sunk in a vortex of vanity and folly, or at least so far thrown into the back ground, as to appear more a shadow, than the only real and solid good we can possess."

Intelligence of the treaty of Ghent reached the country during this winter, and business began to resume its usual course. By the terms of this treaty all acquisitions of territory were to be mutually restored, and the line separating the Canadas from the United States was settled as first drawn at the conclusion of the Revolutionary war, to be ascertained however, under the authority of commissioners.[34] Those subjects of the British crown in the upper country who had located themselves south of this line, and who looked upon the line of 1783 as a mere dead letter, and indulged the hope that a boundery [sic] more favourable to their intercourse with the Indians, would be obtained, were left in an embarrassing situation. Such as possessed buildings and improvements of much value, while they remained in the country, were compelled, in the event of removal, to dispose of them for a trifling consideration, or abandon them altogether. Mr. Johnston was among this number, and from possessing a taste for agriculture, had rendered his place valuable, beyond the mere advantages it possessed as a trading station.[35] But the North West Company, who had heretofore extended their operations over the immense tract *south*, as well as *north* of the upper lakes, were most affected by this treaty, and soon after its publication, they made an arrangement with Mr. Astor of New York, by which the posts were turned over to him, and they withdrew within the prescribed limits. Mr. Astor, who now took measures to avail himself of his acquisition, by organizing the South West,

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[34]The commissioners who had the determination of the boundary through the St. Lawrence and the Great Lakes to Lake Superior made their report in 1822. (J. S. F.)

[35]Johnston's title to a large tract of improved land at the Sault remained unconfirmed till 1853. (J. S. F.)

or American Fur Company,[36] tendered to Mr Johnston the district comprising the southern shores of lake Superior, with the resources and population of which he was well acquainted. This arrangement—the first and only one, of the nature of a copartnership, Mr Johnston ever entered into, while in the country, was, however, terminated in a few years, in consequence of one of the provisions contained in an act of Congress, passed in *1816*, restricting the trade within our territorial limits, to citizens of the United States.

In the interim between 1816-18, Mr Johnston accompanied the Earl of Selkirk to fort William, as a commissioner on the part of the North West Company,[37] to discharge some trust growing out of the unhappy dispute between that company, and the partners of the Hudson's Bay Company, and after its fulfilment, declined the offer of £ 50, which, he thought, if the commission was worth compensation at all, was a very inadequate reward for the inconveniences of a long journey, under circumstances of privation and hazard.' The fort was, on this occasion assaulted and c[arried] by a detachment of the Meurons,[38] under Selkirk's orders. This [affair] is memorable in the history of the region, for the open hostilities which broke out between these rival commercial sovreignt [ie]s [sic], who contended for territorial jurisdiction over the same tract of country. And is more particularly noted, for the outrages committed at Red River, and the shocking murder in the vicinity of Lac la Pluie, of which there is a body of curious and interesting information contained in the Legal

[36]The Northwest Company of Montreal operated principally north and west of Lake Superior. Some of its posts, including its great emporium at Grand Portage, were south of the International boundary. On this account its emporium was moved to Fort William, named for William McGillivray, chief agent of the Company.

The Mackinaw Company, also British, held firmly the trade south of the Lakes and about the headwaters of the Mississippi. Its seat was at Mackinac.

John Jacob Astor in 1808 obtained a charter from the New York Legislature incorporating the American Fur Company. In company with several members of the Northwest Company he bought out the Mackinaw Company and organized under his general charter the Southwest Company. Following the war of 1812 Astor urged and secured an act, referred to below, excluding foreigners from the American fur trade, and as a result, was enabled to purchase the American posts of the Northwest Company. In 1816 then, the American Fur Company succeeded to the interests of both the Southwest and Northwest companies. The region about the great Lakes was organized into a Northern Department in charge of Ramsey Crooks and Robert Stuart, and had its seat at Mackinac. Its policy was to enlist independent traders by making them partners rather than to crush them. John Johnston managed the trading-post at Sault Ste. Marie on this basis during the years 1816 and 1817, on a capital of $40,000 each year. Chittenden, *op. cit.* I, 88-93, 308-315; *Minn. Hist. Colls.*, V, 382-383. (J. S. F.)

[37]See William McGillivray to John Johnston, Jan. 23, 1817, following the Memoir, After the death of Gov. Semple and the seizure of Fort Douglas, Selkirk led a party to the seizure of Fort William by way of reprisal. This occurred in 1816. Johnston's mission was undertaken in September, at the request of William McGillivray, and was barren of results. Bryce, *Hudson's Bay Company*, 242-244. (J. S. F.)

[38]The De Meurons were men of a disbanded regiment of foreigners similar to the Hessians in the American Revolution. They had been sent to Canada in 1813. Lucas, *War of* 1812, p. 155. (J. S. F.)

Reports, [an]d oth[er] [c]ontroversial papers, published at Montreal in 1818.[39] There is a most remarkable illustration, of the lengths to which men will go, when free from the restraints of law, and urged by the thirst of gain. Mr. Johnston felicitated himself in having kept from all entanglement in either of these companies, and was free and pointed in his remarks against the rapacity with which they swept the spoils of the chace, often wrenched away with violence, and stained with blood, which led to the reply of Mr McGillivray at the [assizes] at York— "Why Johnston, you are much better suited for a preacher, than a fur-trader"— a truth uttered in jest.

His powers of easy and fameliar [sic] description are shewn in a letter addressed to his daughter from York in October 1816. "I wrote a few lines jointly to you and George from Naudowysaking, from whence I set out along with Capt. Harrow and Mr Coursel on the seventh, and had to lie in the open air that night. However, the weather was fine, and we had plenty to eat and drink, and a good fire, so we did not mind it. We got to a house belonging to the Commissariat on teusday [sic] night, where we slept, and I walked over a portage of nine miles next morning to Lake Simco, and had the good luck to get a boat just setting off with some soldiers, with whom we embarked, and made twenty four miles that evening and slept in a house, where we got good milk, butter and cheese, with fine potatoes and Indian corn. The next day we came to the landing, where the ground is laid out for a town, but there was, as yet, only four houses. I slept that night at the Commissary's, and the next seven miles further at Mr Robinson's, whose place is called new Market. We there got a wagon, and drove in here on saturday night last. The road was dry, but we passed several bridges, so broken and bad, that they would make you shudder. The water here is bad, and the place a mere swamp in wet weather."

The domestic circle, and friendly fireside, formed the scenes of his purest enjoyment, and the improvement and cultivation of the minds and manners of his children, his most pleasing care. And whenever one of them was absent, particularly the females, he omitted no opportunity to inspire and keep alive, by kind and affectionate letters, those sentiments of piety and purity of mind, upon which he based both their fortunes here, and their destinies hereafter, always encouraging, with gentle praise, their attempts in composition, and criticising, in a manner the least authoratative and offensive, any deficiencies—by which means he drew

[39]For full title of this paper, and for a bibliography of Selkirk literature, see Winsor, *Narr. and Critical History of America*, VIII, 78, 79; Bryce *op. cit.* Appendix A. p. 484. (J. S. F.)

them on as with a silken thread. One or two short examples may be added in illustration.

Montreal, 1813.

"I received my dearest Jane's affectionate and sensible, and well written letter, with the most sincere pleasure. The improvement of your mind is dearer to me, than every other accomplishment. External manners are soon acquired, but if instruction is neglected in youth, it can never be regained. Your being sequestered from the world at present, is therefore, a blessing from providence as you have now the time and means of storing your mind with good and religious ideas, that in a future day will be of more use in directing your conduct and preserving you from the snares of a base and wicked world, than the greatest fortune could possibly do. I hope you will be able to keep your word respecting the improvement of your dear little sisters."

St. Mary's, 1817.

"I take the opportunity of some Indians going to Drummond Island to thank you for your affectionate letter. I am quite grieved [sic] that you have been uneasy on my account, as my health, thank God, is as good as usual, as is that of all the family. We only want you again with us, to live as happy as this vain, transitory world can make us. Your sisters have carefully wed [sic] your garden, and your roses seem to await your arrival to bloom forth with all their beauty and fragrance. And what, my beloved child, is all the pomps and vanities of this sublunary scenes, but the fugitive blow of a flower? One thing alone, we are sure of, that truth, purity of mind, love and submission to God our Saviour, can ever fade, but will bloom and bear the sweetest fruit to eternity! Oh that my most fervent petitions merited to be heard at the throne of infinite grace and love, and you should long remain the brightest pattern of every virtue here, and when translated, should become one of the lovliest and most welcome guests at the supper of the Lamb."

St. Mary's 1825.

"I received with heartfelt satisfaction my dearest Jane's kind and welcome letter from Detroit, and most sincerely return thanks to the Almighty for your returning health, as also that of Mr. S. our dear little Anna, and our very dear little *Penachense*† about a fortnight since I had a serious attack, from which, thanks to God, I am nearly recovered, and hope soon to be as well as I ever expect to be. Your mamma enjoys her

†A term signifying little bird in Chippewa, but applied to male children. (Schoolcraft's note.)

health astonishingly, considering the fatigue and anxiety she has undergone for a month past. Eliza and Charlotte talk of writing. You are all regularly remembered in our morning and evening prayers. You may conceive with what anxiety we look for a letter, as our last was from Mr S. on board the Steamboat off Cleaveland. Oh that my ardent prayers would find acceptance, through the merits of him, whose birth we have lately commemorated, for every spiritual and earthly blessing on you, my dear H." etc.

Mackinac, 1827.

"Our reception here, has been most kind. My health is good except rheumatism, which the present state of the weather rather increases. I shall not enjoy peace of mind, until I know how you all are, especially my dearest Jane. May the Almighty take you all under his holy and fatherly protection, and grant me the happiness of meeting you all in health, peace and love, is, I may say, my hourly prayer."

Mr Johnston's correspondence, out of his own family, was chiefly confined to his English relatives, and a few friends, with whom he kept up an intimacy of the most free and unreserved nature. On his first entry into the Indian country he had devoted himself with ardour, to the collection of their traditions, but finding on more mature acquaintance, that he had been in several instances grossly imposed upon by his Canadian interpreters, he threw his manuscripts into the fire, and could never afterwards be prevailed upon to resume the subject. It was particularly brought again to his recollection in 1817, in one of the casual and familiar [sic] letters of his correspondent and kinsman Dr. Macdonnel of Belfast, which, from the views he takes of some interesting points in philology and geology, I shall here make one or two extracts from.

"A man has published in 1816, an octavo volume in Trenton, the author's name Boudenot,[40] to explain some things about the Indian nations, and among other things, he fancies some resemblances between their languages and Hebrew. Baron von Humboldt,[41] a Prussian, was in Spanish America lately and he found the natives had Hebrew opinions and usages, evidently things borrowed from Jewish doctrines.— I don't want you to enquire much about their being of this extraction, but observe for me, whether their languages have no pronouns, as one author, Colden,[42]

[40]Elias Boudinot, author of The Star of the West, (1816) advanced the theory that the Indians were the lost tribes of Israel. (J. S. F.)

[41]Alexander von Humboldt, traveler, geographer, and scientist, in 1811 published *Essai politiqui sur la royaume de la Nouvelle Espagne*, afterward translated into English. (J. S. F.)

[42]Cadwallader Colden of New York, author of a History of the Five Nations. (J. S. F.)

stated 50 years ago, and whether they are defective in the prepositions as this Boudenot states, and whether those near you have any *words,* ideas, or traditions, that are expressive of their early origin, or their connxion with European nations. In fact, I think you are better circumstanced, in most respects than any other man that I ever heard of, to do something worth notice in that way, for altho' you have not books, nor knowledge of many tongues, yet you could collect lists of great and radical words, expressed with proper letters, so that others could compare those words with asiatic and african and European tongues, so as to enable mankind to judge of similarities or dissimilarities. The words *most* apt to pervade different nations, and to pass from one people to another, are, articles, pronouns, auxiliary verbs, prepositions—next to these *numerals,* next to these, whatever terms are expressive of striking, useful, hurtful, or very *clear* and definite objects or ideas,—for if the conceptions we have of things, be not very definite, clear and distinct, the idea and the word are not likely to float down the stream of time together—they will be jostled and separated. Be very careful in spelling the Indian words—spell them in different ways, where our letters don't square exactly with their sounds. Take notice of their musical tones, and whether these tones get in, as essential parts, into their speech, and above all remember that a *word* is a *thing* and that it may be examined as a *record,* or considered like a coin or medal as well as if it had the stamp of a King or ment upon it.

"An account came to Sir Joseph Banks of very curious rocks, with odd stripes and colours, having been seen this last war, by sailors on the Lakes—I think in lake Superior. Pray keep up your thoughts to the geography of Rocks.[43] I got some lately from Bombay, exactly ditto with our Causeway.

"Tell me something of Lord Selkirk, and if you see him strive to keep his attention a little to natural History. His mind is capacious, and can embrace every thing. I hope he will be of use to the Indians, I think it would be the greatest event that could be, if plans of improvement could be grafted upon their condition, which has so many things enviable in it, but which wants our Religion to be grafted upon their character."

The subject of the languages and traditions of the Indians was again brought to his notice in 1821, by Governor Cass,[44] who forwarded to him

[43]John Johnston was much interested in physiography and wrote An Account of Lake Superior. Bryce, *op. cit.* p. 18 (quoting R. L. Masson, *Les Bourgeois du Nord-Ouest*). (J. S. F.)

[44]The results of these researches were embodied in an article contributed to the North American Review (vol. XIV, 34), and also published separately.—*Inquiries respecting the History, Traditions, Languages, Manners, Customs, Religion, etc., of the Indians living in the United States. Detroit; Sheldon and Reed,* 1823, 8 vo. pp. 64. (J. S. F.)

a copy of his printed queries, and that of improving their condition by Mr. Trimble[45] of the U. S. Senate, who visited him at St Mary's in the fall of that year, and to whom he addressed "Remarks on the Condition of the Ojibwa Nation of North American Indians and the means of their Improvement," found among his papers after his death.

In 1819 Mr Johnston made his second visit to England and Ireland chiefly for the purpose of pressing the payment of his claims. On his way to Quebec, he left his daughters Eliza and Charlotte at a private school in Sandwich, and placed his son William, with a clergyman of his own name in Cornwall. Mr Johnston spent some time in London, where he had a conference with Lord Bathurst upon the subject of his claims, which ended by his Lordship's saying "I will myself recommend them to the Treasury." Mr Peel[46] interested himself in the subject, and gave several proofs of his willingness to serve him. He received promises, which it is probable, however, were always made under the assumption of certain conditions, but he received nothing more. Finding the task of dancing attendance on great men, both a new and irksome one, he left London, and after visiting Edinburgh, directed his course to Ireland, and while there, sold his place of Craige to John McNeile Esqr for £ 3.250 Sterling. He returned to Canada in the following year, where, on his arrival at Montreal, he met his son George, who, alarmed by a report of his death, had come to enquire the truth, and finding his brother William making but little progress at Cornwall, had brought him along. Mr Johnston now placed William at a grammar school at Chambly, under the care of a Mr. Parkins, where he remained between three and four years at a charge nearly equal to that required to carry a student through most of our colleges, and with fewer real acquisitions than it is possible to conceive he could have made, if any considerable portion of his time had been devoted to study. Some of the English and Latin class books which he brought with him on his return, were reprints of works which appeared in England in the middle of the last century, and exhibited none of the improvements, which have been introduced since.

The Falls, or *Sault* of St. Mary, which Mr Johnston had selected for his residence, altho' occupied by the French before Lasalle's discovery of the Mississippi, and a place of early note in the history of the fur trade,

[45] William A. Trimble, senator from Ohio, served in the War of 1812, about Detroit. He was interested in Indian problems and attended the Chicago treaty in 1821. As a consequence of the exposure to which he was subjected in this and other journeys in connection with Indian affairs, he died in Washington in December, 1821. (J. S. F.)

[46] Sir Robert Peel, chiefly remembered for his connection with the repeal of the Corn Laws and the Free Trade movement, was at this time an Under Secretary of State. (J. S. F.)

was very little known in the United States previous to the execution of the surveys growing out of the treaty of Ghent, and the exploring expedition[47] of Gov. Cass which visited the place in the spring of 1820.—*[a fact sufficiently accounted for, from its having remained in the occupation of the British government.] And altho' nominally ceded by the giving up of the lake posts in 1796 no effort—at least no efficient effort, appears to have been made to extend our authority over regions so remote, while the renewal of the war in 1812, encouraged hopes in the inhabitants that it would be finally given up by the Americans. The N. W. Company possessed its trade, and the Indian department in the Canadas exercised undisputed controul over the native population. When the question of boundary was finally put to rest, the partners of the "North West" in turning over their posts to Mr Astor, turned over also their clerks and agents of departments within the lines, who were either foreigners, Canadians, or persons of the mixed blood, and the operations of the trade went on, with scarcely the slightest interruption.[48] Old associations naturally predominated, and neither Indians, nor Indian traders took much pains to enquire about treaty stipulations, or abstract rights. It is beleived [sic] these facts satisfactorily account for the little respect in which our government was held by the native population, previous to the era of the exploration and surveys I have mentioned, particularly the former, which a little preceded the surveys in point of time, and of which the results were earlier known.

This entire region north of latitude 46° drew its supplies formerly from Montreal, and at present draws them from New York, through the pass of St Mary's, and the commanding position of this ancient village, once the seat of a Seigniory and Jesuit mission, pointed it out, as a suitable site for a permanent garrison. It was first occupied by our troops on the 6th July 1822.[49] The position of St. Anthony's falls on the Upper Mississippi had been taken two or three years earlier, and from this time, we may date the dawning of a new era in the history of our intercourse with the Indian tribes. And the establishment of these advanced posts,[50] reflects credit upon the liberal and enlightened statesmen who recommended the measure.

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[47]Henry Rowe Schoolcraft accompanied this expedition in the capacity of geologist and topographer. The immediate object of this visit to the Sault was to secure a site for a military post. A cession of sixteen square miles was obtained. *A. S. P. Ind. Affs.* II, 227, 228, 320; Campbell *op. cit.* 400-404. (J. S. F.)

*Canceled type.

[48]Cf. *supra* Memoir and note 36. (J. S. F.)

[49]Troops were transferred from the garrison at Sackett's Harbor on Lake Ontario to this point in order to enforce respect and obedience from our Indian wards. (J. S. F.)

[50]Lieut. Pilee in 1805 had obtained the site for a fort, which was again recommended by Major Long in 1817. Two years later Fort St. Peters was established, changed in name to Fort Snelling in 1824. (J. S. F.)

It was at this time that my personal acquaintance with Mr Johnston commenced.[51] He was now in his 60th year, and though compelled to use a cane in walking out, from a contraction of the muscles of his left leg, and otherwise enfeebled, he still retained the ardour and animation of youth in his conversation, which was sprightly, easy and refined. His manners were corteous [sic] and free from restraint, inclining perhaps, in points of etiquette, to the old school, such as they are depicted in the Spectator. In stature he was of the middle size, and slender make, with blue eyes, fair complexion, and hair, which had, in youth, been bright auburn, and was even now, but partially grey. He had evidently been a man of muscular powers, and strong constitution, which had been severely tested by a residence of near forty winters in a polar latitude. Still his countenance, had not entirely lost, in the marks of age, those generous lines, which were easily kindled into a glow. He was open in his friendships, devoted in his affection to his children family and friends, and deeply impressed with religious sentiments. He had the art—or rather it was not art but nature, to put every one at ease in his company. He was fond of conversation, and conversed well, making use of language at once polished and energetic. If his epithets ever bordered on extravagance, it was owing to the vividness of his impressions, and the natural warmth and ardour of his character. To this hasty notice, I subjoin the opinion of His Excellency Governor Cass, expressed in a letter to me after Mr J's death offering his condolence to the family. "He was really no common man. To preserve the manners of a perfect gentleman, and the intelligence of a well educated man, in the dreary wastes around him, and his seclusion from all society but that of his own family, required a vigour and elasticity of mind rarely to be found."

Reading formed his great resource, in which he gave the preference to history, biography and memoirs. But in the dearth of new books, he would often re-peruse the old, or take up almost any thing that was presented. As a proof of the strength of this habit, particularly during the solitude of winter when every avenue to the country is locked up in ice and snow, it may be mentioned, that during one winter in particular, when he had run short of every thing else, he read through, in course, five volumes of the Encyclopedia Brittanica, a work, however, of which the biographical and historical parts, are very interesting and valuable. He had read poetry with much avidity in early life, and still retained his relish for it. He never came across good lines in the newspapers, or

[51] At the same time the military post was established at the Sault, the Indian agency at Vincennes was transferred to the former place. Schoolcraft was placed in charge of the agency. (J. S. F.)

magazines, without calling attention to them, and reading them out. In his choice of reading, however, he never neglected his bible, nor made it a book of secondary consequence. He devoted a portion of every morning and evening to its perusal. [He usually read some part of the psalms before prayer.]* His family assembled in his sitting room in the evening, and were dismissed with prayer. They were again assembled in the morning with prayer. One of his daughters usually placed a cushion for him to kneel upon. Such was his constant habit. When he became too much enfeebled to kneel, which was the case for more than a year before his death, he retained his seat, while the family knealt [sic].

The arrival of an American garrison in his immediate vicinity, added to his resources by giving him free access to their librarry [sic]. He also expressed a lively sense of the attentions he had received from the officers composing the command, and they, in return, manifested their respect by attending as pall bearers at his funeral, and permitting the garrison to follow his remains to the grave, in uniform. I have thus, for the sake of connection, anticipated events; but his life was now drawing to a close, and became every year more clouded in prospect. He was doomed to see nearly all his fathers family descend to the tomb before him. His brother William, who was settled as a merchant at Albany (1792) died in St. Domingo under circumstances calculated to add to the pain of a separation between brothers linked together in the strongest ties of mutual love and affection. His trunk and papers were rifled by the captain of his own vessel, and the fruits of a hazardous and honorable enterprize taken with impunity. His elder sister Mrs. Moore died at Wexford in 1821, leaving him her plate, and a legacy, which he relinquished however, during her lifetime, to his sister Mrs Kearney, wife of the Reverend Henry Kearney of Kilgobbin Glebe, Dublin. His eldest son Lewis *Saurin,* who had served as a midshipman on board the British squadron on lake Erie, died an officer in the Indian department at Sandwich in 1825. Many circumstances tended to depress his spirits. He never stood more in need of all his faith and fortitude than at this time, and it cannot be said with justice that he was wanting in either. He gave repeated and daily proofs of that sustaining Christian principle which "beareth all things—beleiveth [sic] all things—hopeth all things." About this time one of the persons to whom he imputed the chief agency in instigating and leading on the troops to plunder his property during the war, was living at St. Mary's in a state of great poverty. Mr Johnston took this occasion to enclose him his account for goods and provi-

sions had, at various times, from his store, to considerable amount, in a letter of gift—which is the only way he *retaliated* the injuries received from this man.

In 1824 he received a letter from Mr Peel informing him that the Commissioners for ascertaining the losses sustained by British subjects during the war, were directed to take up his claim. He made a journey to York for the purpose of presenting a schedule of the property lost, but did not find them in session. Sir Peregrine Maitland[52] on whom he called, directed a special meeting of the board to receive the claim. He was informed that sometime would be required to come to a decision, and that the decision when made, would be transmitted to the Treasury. What the decision was, or the objections set up to the admission of the claim, he never officially knew, either from the board of commissioners or the Treasury, but was told incidentally, that its allowance was precluded by the act of Parliament making appropriation for losses, which restricted the payments to subjects actually residing, at the time of receiving the claim, within the limits of the Canadas. Was not British authority extended over the upper Lakes, after the taking of Mackinac? Was it not afterwards extended over Michigan by the taking of Detroit?

He had previously terminated his commercial connexion with Montreal, where he had for many years submitted to a singular species of exaction. Mr David David[53] who had conducted his business with great punctuality and exactness, was in the habit of settling his books annually and sometimes semi-annually, and charging interest from the date the balances were struck. The course of this trade is such, that the returns intended to pay for goods purchased at Montreal, cannot reach there, until about fifteen months after the date of purchase, or if they have been ordered from England for account, the avails cannot be realized at the place of purchase, as stated by Mackenzie† until a lapse of 42 months from the date of order, 36 after they have been shipped, and 24 after their receipt at Montreal, for the season of their arrival there is such, that they cannot be got to the Indian country, and exchanged for furs, till the next following autumn and winter. In the meantime, agreeably to the system above referred to, compound interest accrues on all the time after the expiration of the first 6 or 12 months, as the case may be, which will be doubled, trebled, quardupled, etc. on each returning period of balancing the books, till an entry of cash received for the furs, can be made. And it must be recollected that this interest accrues, not only on the original purchase,

[52]Lieutenant Governor over Upper Canada. (J. S. F.)
[53]See letter appended, David David to John Johnston, May 17, 1821. (J. S. F.)
†History of the Fur Trade XXII. (Schoolcraft's note.)

but upon every accumulation of storage, cartage, commission etc, and is yet further compounded, and more rapidly accumulated upon balances running into new account. No one, who has not undertaken to compute it, can be aware, how rapidly interest thus accumulates, how complicated its reproduction becomes, and in how short a space of time, it absorbs the principal! It may be said that the merchant is in no wise answerable for the tardiness of the process by which the goods are converted into furs, and the furs into cash, which is general in its operation and constitutes a heavy drawback upon the trade. But he is perfectly aware of the circumstance, together with the incidental risks, and sells his goods at a profit predicated upon the slowness of the returns.

Mr Johnston visited New York in 1827, and was honored by the Corporation of that city by being presented with their canal memoir, and silver medal. Travelling had now become irksome to him, from the acute rheumatic pains he often suffered, attended with swellings of his feet and legs, and a highly dyspectic state of the stomach, accompanied with general debility. His mental activity however, kept him up, and he was generally cheerful, when not suffering the tortue of bodily pain. It was thought by his physician that the journey would not be detrimental to his health. But it was evident to those about him, that although suffering with no malady which threatened a speedy, or fatal termination, he was insensibly becoming feebler, and consequently more liable to billious or epidemic disease. He had been severely afflicted during the winter of 1826, but revived in the spring, and sustained the journey to New York without apparent detriment to his health. He was however, confined to his room during the greater part of the winter of '27-'28, and when left alone, became the prey of acute and over powering recollections. He appeared indeed, to be on these occasions, what he had described himself thirty years before,

"Misfortune's victim, and reflection's prey."

The entry of company, however, never failed to recal [sic] his cheerfulness, and, as it were, chase away his pains. He often appealed to the sacred volume, which always lay at his side, and drew his sweetest consolations from that source. And he now began, on the earnest solicitaions of his family, to commit to paper the reminiscences of his life, which he continued at long intervals, and finally left unfinished. Although his general health during the spring and summer was not equal to what it had been the previous year, he deemed another journey to New York an imperious duty, and was not without hopes that the change of air and scenery might be beneficial. He had however, no sooner reached

the city than he felt unfavourable symptoms, and became anxious to hasten his return. And his letter of August 14th—the last piece of writing to which he is known to have put his name—exhibits his ruling passions—his strong personal attachment and love of domestic quiet, in the same glowing colours that had marked him through life.

"I have the pleasure of announcing to you, my safe arrival here on the morning of the 11th. Yesterday I saw Mr Astor and Mr. Crooks and was most kindly received by both. My anxiety to get home increases every moment, therefore I shall follow this, as speedily as possible, and only write to say that I am thus far safe and well. Several packets are daily expected, and much foreign news is anticipated. Tell my beloved Jane that Mrs D. has undertaken her commission, and I trust it will be executed in the best manner.

"I shall retain the description of all I see, for our little home circle. All that is rich, splendid, and luxuriant is lost upon me. One smile of affection from those I love, is worth all the rest of the world. Remember me with unabated affection to my dear wife, my Eliza, Charlotte, and Anna, and to my dear William and John. May God in mercy bless you all, and take you under his Almighty protection is my daily prayer. Kiss and bless our dear Jane, and her little Cherub for me, and believe me ever, etc."

No farther intelligence was received from him till the 17th of September, when he arrived in the St. Mary's river on board a small schooner, so reduced in health and strength that he scarcely recognized any one, and was brought up to his own house, on a bed, at midnight. He had been several days on lake Huron, without medicines, or the most ordinary comforts. He lay in a state nearly insensible, till the following morning about 9.O.clock, when he had so much revived, through care and attention, that he sat up, conversed cheerfully, related the events of his journey,† distributed the presents he had brought for each of his children, and appeared so much himself, that the most sanguine hopes of his speedy recovery were entertained. He relapsed, however, during the night, appeared worse on the 19th, and again revived on the 20th, but it was observable of the intermissions of his illness, that there was a progressive decline and that his well days were marked with a feebler exemption from sickness, and his sick days with more severity. The fever whose type had thus been marked, was now decidedly characterized by the yellow colour of his skin, and removed nearly every vestige of

†His pocket book was stolen at Albany, by a knave who was his roommate at night. (Schoolcraft's note.)

hope from the minds of Dr Pitcher,[54] and Dr E. James,[55] who attended him, that, at his age, and with his previous infirmities, he could recover. He, however, retained the perfect possession of his mind, and exhibited the same faith, hope and love, which had marked his most unclouded years. When extemporaneous prayers were made by a clergyman, he made the impressive response of the Church service "As it was in the beginning, etc." He often uttered the most fervent ejaculations, and most commonly, when not agonized with pain, or engaged in replying to questions put to him, seemed absorbed in deep meditation and prayer. His faith appeared to be unbounded, as indeed, it was, during life. Being asked if he put his trust in the Saviour, he replied "Most freely—it would be the height of folly to trust to any other."—"I can sweetly sleep on Jesus' bosom"—"My trust is in the Rock of Ages"—"On whom *else* can I trust, or lean but on Jesus Christ, my saviour and my Redeemer"—"Glory to God! I can lean on him and on him alone"—These, and similar expressions were frequently uttered, and repeated as long as utterance remained.

During the 21st, there was no appearance of intermission of fever, and the 22nd marked its climax. He retained his faculties until about 1. o. clock, when being asked if he knew that his family and friends were around him, he replied, as if recollecting himself. "Yes I do, or *did*." He soon after closed his eyes, and became unconscious of what was passing. Long and deep drawn expirations marked the mortal struggle, and he breathed his last at 8. o.clock in the evening. He died aged 66 years, 28 days. His funeral took place on the 24th, when his remains were deposited in the military burial ground at St. Mary's, where his stone bears the following inscription.

To mark the widow's grief, the daughter's tears,
The name as son bemoans, a friend reveres,
Thy own dear circle's honor'd joy and pride,
Their earthly father, and their heavenly guide
For this, we raise thy lonely, simple tomb,
Far from the world, and from they native home.

[54]Dr. Zina Pitcher, at a later time mayor of Detroit and professor in the University of Michigan, was at this time assistant surgeon at Fort Brady. For biographical sketch see *Mich. Pion. and Hist. Colls.* IV, 432. (J. S. F.)

[55]Dr. Edwin James also, was an assistant surgeon at Fort Brady at this time, and had previously been post surgeon at Fort Crawford, Prairie du Chien. Still earlier he had accompanied Major Long in his expedition to the Rocky Mountains, 1819-1820, as botanist and geologist, and published in 1823 a History of the Expedition, in New York (2 vols.) and London (3 vols.). He was a member of the Michigan Historical Society, and in 1830 he edited John Tanner's Narrative of his Captivity and Adventures. (J. S. F.)

Warm was thy heart, and true to ev'ry fire,
That love, hope, friendship, charity inspire;
Yet not to laud thy worth, and polish'd mind,
By fancy blest, and varied lore refin'd,
Oh dust of kindred dust, bone of our bone!
Inscribe we here, thy monumental stone.
Ah! Johnston no, the tablet mem'ry rears,
Embalms our love, and sanctifies our tears,
Accept, oh sainted shade, the humble rite,
And lead, oh lead us, to the Realms of Light.

Mr Johnston left several manuscripts, of which it is to be regretted that his autobiography extends no farther than his 30th year. His apothegms were chiefly written at an age, when the habits and opinions of life are settled, and display his views of several points of human character and excellence. Some of them are happily expressed, and evince the ardour of his conceptions. His odes and occasional poems, constitute, however, the most voluminous part of his writings, and may give him the fairest claim to remembrance. He appears to have cultivated poetry very assidiously in his youth, and some little pieces written within a few years of his death prove that he had neither forgotten nor neglected the power to clothe vivid thoughts in strong and terse language. Some of his effusions will probably be thought to give him claims beyond that of a mere amateur, though there is nothing in his writings, and certainly was not in his conversation, to induce a belief that he had written with any vain or extravagant notions of applause, or indeed, with any other view than as indulging an elegant accomplishment in whiling away hours of solitude and sadness. He wrote with ease, and without affectation of style or sentiment. To express the feelings of nature in plain language was all he aimed at. He was satisfied with his first thoughts, and never corrected or polished what he had once written. If there are inequalities in his pieces, or prosaical lines, it is probably attributable to this circumstance, or perhaps he had no wish to mend, what he never designed to publish. He disclaimed all pretensions to learning, and was too much enamoured of amusement, to give up his hours to study. Had he relied less upon the ancient maxim *Poeta nascitur* though an abstract truth in itself, he would probably have attained to higher excellence. If he has generally succeeded in what he undertook, it was because he undertook nothing that he did not feel himself competent to.

His "Didactic Essay on Poetry" is one of his most elaborate efforts. It

appears to contain the true principles of the poetic art, and they are expressed in numbers such as Buckingham need not have been ashamed of. The verses written at Lapointe, to which are prefixed the title of "The Wanderer" derive interest from the circumstances in which he was placed, and the scenes by which he was surrounded. The "Address to Scotland" is we think a happy and well merited compliment in verse, and the "War Song,"[56] unrivalled in its way, and as far known without a prototype in English poetry. It is a favourable specimen of his powers of versification.

TO HEALTH.

By the Late John Johnston, Esq.

Health! dearest of the Heavenly powers,
With thee to pass my evening hours,
Ah! deign to hear my prayer:
For what can wealth or beauty give,
If still in anguish doomed to live
A slave to pain and care.

Not sovereign power, nor charms of love,
Nor social joys the heart can move,
If thou refuse thy aid;
E'en friendship, sympathy divine!
Does, in thy absence, faintly shine,
Thou all-inspiring maid.

Return then, to my longing soul,
Which sighs to feel thy sweet control
Transfused through every pore;
My muse enraptured, then shall sing
Thee—gift of Heaven's all bounteous king
And gratefully adore.

February 4, 1807.

"Absence" an Elegy, strongly reminds the reader of Shenstone, and the "Address to Fortune," of Thompson, and both those pieces were written before his coming to America, and at an age when imitation is most

[56] John Johnston's father-in-law. See Schoolcraft's sketch, "Wabojeeg or the White Fisher," reprinted in *Mich. Pion. and Hist. Colls.* XXXII, 345 *et seq.* (J. S. F.)

likely to be attempted. In general the vigour and originality of his thoughts are sufficiently marked to shield him from such imputations, while the purity of the sentiments, their heart-breathing ardour, simplicity of diction, and deep moral tone, constitute an identity easily recognized. It is certainly some merit, in an age like this, when poetry and infidelity have shaken hands, to have written two thousand lines and upwards, without uttering one word offensive to virtue and piety, or a single sentiment tending to tolerate a sceptical philosophy.

Occasional poetry derives much of its interest, from the facility with which it is produced, as well as the peculiar circumstances which give birth to it. And it will give additional value to the lines "To Hope" to know that they were the first appeal of the author to his muse in America, and were written at Quebec in the moment of disappointment after the presentation of his letters to Lord Dorchester. That the "Ode to Health" was produced in the intervals of suffering from acute chronic pains, that the verses "to Sir John Johnson Bart." were written on Neekuh, Goose Island in lake Huron within nine miles of Mackinac "with the wish'd for port in full view," and that the War Song is an attempt, and it must be thought an eminently successful one, to versify sentiments uttered upon actual occasion by his father-in-law, a Chippewa chief and warrior of high distinction, who died of a consumption in his 40th year, and in the height of his influence. Other circumstances appear upon the face of his manuscripts, which are generally calculated to give pleasure as biographical illustrations, sometimes where the poetry itself contains nothing of particular force or novelty to recommend it. It was in these offhand efforts, that required but one sitting, and no revision, that Mr Johnston excelled. They [uni]formly remind the reader of the ardent friend, the anxious lover, the affectionate father the glowing patriot, or the trusting christian, and found their chief claims on nature, simplicity and truth—the *first,* constant requisites of all good poetry, and the *latter,* as I think, an indispensible prerequisite to occasional and fugitive poetry.

We live in an era of the poetic art, in which there have been no very successful attempts at the Ode. Those of Mr Johnston which have most pleased me are the "Ode to Simon Davenport Esqr," and to "Health." The lines "Come replete with earthly glory" and the strophe of the preceding couplets, in the Ode on the Victories and Death of Nelson, which was printed, or rather as he once said, misprinted in a Quebec paper, are truly lyrical. The epithet "glutton fiend. of carnage fell" is a vivid personification of Battle, but I know not whether it be original.

Perhaps a division of the author's productions into those which were written in Europe, and in America, might be successfully made. [1][And I am decidedly] We are of opinion that a comparison would result [2][greatly] in favour of the latter. Not only was his mind more matured by travel and acquaintance with men, but the influence of the pure air, broad lakes and sweeping cataracts which were daily exposed to his view, appears to have relieved his muse from the more confined respiration she felt in his youthful closet, and inspired her more freely with "thoughts that breathe and words that burn." These criticisms are made with diffidence, and it is hoped, if they should subject the writer to the charge of partiality, his respect and veneration for the memory of the Man, will plead some excuse for his adm[ira]tion of the Author. It is so much more agreeable, to point out beauties, than to detect blemishes, that we leave the latter task to others, and will only here add a few couplets of the author apposite to the occasion.

"Critics forbear! nor intermeddle here,
"What has a wand'rer from your power to fear
"Uncouth the numbers, unadorne'd the shell,
"That sounds responsive to the Savage yell;
"Yet, if determin'd to employ your art,
"Ah, pause a moment, and consult your heart."

The following sketches[57] may be regarded as a continuation, in some respects, of the biographical reminiscences of Mr Johnston. It was originally intended that they should embrace more copious notices of contemporaneous actors and actions in the North West and Lake country. But this would have led to a diffuseness incompatible with the limits of a memoir intended as a mere outline, for a specific occasion. And in order now, to embrace historical details which would enhance its value, it would be necessary to re cast the whole—a work demanding more leisure than the author of the memoir, can now command.

Aug. 15. 1833.

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[1]Erased type.

[2]Frased type.

[57]Cf. *supra*, introductory note. (J. S. F.)

The following letters were found among the Schoolcraft manuscript and are appended to the preceding memoir. (J. S. F.)

JANE MOORE TO JOHN JOHNSTON, MAR. 6, 1814.

[Smithsonian—Schoolcraft Papers—File Case I.]

Wexford March 6th. 1814

My Dear Brother

Your Letter from Montreal dated the 25 of last Novr, afflicted my poor distressed Aunt and me beyond anything I can express, your fears for your family and distress about your son, I trust in Almighty God, were groundless—and that you will write upon receipt of this, and relieve our minds from the sad anxiety your sorrowful and distressing Letter occasioned—Before I received your last, we had seen by the Papers, that affairs in Canada had taken a much more favorable turn—and we examined with great anxiety among the names of the killed and wounded, and had the comfort to see that poor Lewis's name was not mentioned I mean in the disastrous capture of our ships on Lough [sic] Erie—That Great and Glorious Being in whom you, I am sure put your whole trust —has in his mercy and goodness saved your innocent and helpless family, and that you had the blessing of finding them on your return in health and safety—If Lewis has been made a prisoner, I trust you will get him exchanged—and that your next Letter, will give us, as much consolation, as your last did sorrow—I wrote you a great large sheet of Paper, in Jany in answer to yours, and Janes, of August 1813 one half to you the other to my Dear Jane, I hope when you write you will acknowledge whether you and she have got that Letter, and this also—and when you write take large Paper, that you may not make the Letter double, for Postage is greatly raised *here* with every thing else, which is gone beyond any thing you can imagine—in your cheap Country—I hope most sincerely you got poor Allik off, and that you will never forsake him, I am sure he will be a trusty faithful servant to you, and would lose his life to save you or your, family from distress, tell us all about him in your next letter—I mentioned to you in my last Letter, that it was my Dear Aunts decided opinion, that you should not sell Craige[58] but that you might rejoice you had it in your power, to have it for a maintenance, for your three helpless Daughters—when you would be in Heaven—your Boys can exert them selves to make, a support, but what can a helpless

[58] A. L. S. The estate inherited by John Johnston from his mother. See Memoir above and *Mich. Pion. and Hist. Colls.* XXXII, 331. (J. S. F.)

unbefriended female do, who, feels her self a Gentle woman and must either degrade her self by a low, and wretched marriage, or suffer penury, or perhaps disgrace—The present Leases of the Tenants must of course soon be out, at least I trust they will be expired, before your Daughters will lose your Protection, if you with the assistance of Providence, take care of your health—and what a relief will it be to your mind in a dying hour, that you can leave those helpless Girls a Permanent support, and in your native land—If you dispose of it, it must be, at a great disadvantage, and your coming [to this] Country and returning, would leave little of what you would get for it to bring home—beside the dreadful risk you run, of losing your own life or freedom in the attempt—lay this matter to your heart my Dear Brother, and remember it is the advice of your true and disinterested friends.—The Attorney General has written to you, and I am certain he would approve highly of this plan—I had a Letter from worthy M[r] Kearney[59] the beginning of Feby thank God he and Bess, were well at that time—My Dear Aunt has not a day of health, and her strength and appetite totally gone yet she is still as sensible and clear in her judgment as she ever was, and if the Almighty sees it best, I hope he will spare her longer to poor desolate me—She sends you, a thousand Blessings and ardent Prayers for your health, and safety, and that of your family in which you know I join with my whole heart—and Believe me My Dear Brother—most affectionately your faithful Sister

Jane Moore

I was delighted to see from Sir George Prevost's Proclamation, that St Mary's, or St Josephs, was not mentioned, among, the Places that the Base Americans, had plundered and set fire to—Oh may the Almighty preserve you and your family from their ravages—and from all the horrors of war—I greatly fear, we shall have another rebellion here, the Catholiks [sic] are not to be satisfied—

dont forget, to send, our Furs—you know this is the only thing, I ever asked you for—and I shall repay them Please God—one day tenfold—

[Indorsement]

Forwarded by Y O S* D David 24 June 1814

[Address] For the Falmouth Packet—single sheet—

John, Johnston Esq[r] St Maries Falls

Montreal

Care of David, David, Esq[r] Canada—

[postmark]

Halifax May 24, 1814

[59]Rev. Henry Kearney. Cf. Memoir. (J. S. F.)

*Your Obedient Servant.

WM. McGILLIVRAY TO JOHN JOHNSTON.[60]

[Smithsonian—Schoolcraft Papers—File Case 4.]

Montreal 23d Jany 1817

John Johnston Esq

Dear Sir

I have hitherto omitted to return you my acknowledgments on the part of the agents of the North West Co. for your having so readily undertaken the voyage from St Maries to Fort William at my request, in September last—although at the time in a precarious state of health—

Success does not always follow our best exertions.—I most willingly give you credit for your intentions and the only circumstance to be regretted is, that you were not sufficiently aware of the designing Character of the man with whom you had to deal—[61]

It is not the intention of the agents to fix any just estimate of the time you sacrificed in your trip to Ft Wm by a pecuniary consideration adequate thereto—they nevertheless consider it proper to tender you some mark of their acknowledgment—I am therefore to request your acceptance of Fifty guineas for which I inclose a *Bon* payable at sight.—

I wish you every success and remain

Dear Sir

Your most obdt ser

W McGillivray

[Address]

John Johnstone Esq

DAVID DAVID TO JOHN JOHNSTON.[62]

[Smithsonian—Schoolcraft Papers—File Case 4.]

Montreal 17 May 1821

John Johnston Esq—

Dr Sir, I wrote you last week, with the news of the favourible [sic] turn, Furs has taken, I sent it by Coll McKay to give it a chance, but presume this will get to hand sooner, as he is gone by Detroit, this days post brought me Letters and advice of the sale of your Furs, and am happy to say they are more flattering than the one of last year, You no doubt will be astonish[e]d at the price your 2 Little Black Beaver skins brought

[60]A. L. S. See Memoir p. 32. (J. S. F.)
[61]Lord Selkirk. See Memoir p. 32. (J. S. F.)
[62]A. L. S.

I think they weighed 2¾ lb. and brought *Ten Guineas,* you have annex[ed] a list of those of yours brought. I presume the Emperor is with you ere this; by whom I sent your Invoice, the Goods, left Lachine on 6th. and make no doubt are pass'd Kingston there is no doubt but *muskrats* will sell well, as there was only 44.000 shipped last year from this, and they are paying 20d and upward in N Yk. for them, the Beaver I think will also sell well owing to the quantity Mr Astor shipd [sic] from N Yk being lost, I did not write you last week by the HB. Canoes as they were loaded, this is reserved for the first light Canoe.

The Enclosd came to hand last week if any thing should occour [sic] I shall add a post cript [sic], mean time believe me truly

Yours faithfully

David David

P. S. the Botes [sic] which took up your goods is [sic] just returned from Kingston, they unloded [sic] your goods into the Steam Boat, of course is at Queenston ere this

[Enclosure]

[May 17, 1821]

		Lot			Invoice valuation
Black Bears	109.	57	Skins	34/	25/
Cub Bears	167.	47—	"	43/	10/
Martins —	426—	280			
	427—	280	9/9		
	228—	280			4/
D and S—	568				
	569	297 ea		4/3	
	570				
Otter—	638—	40—		35/	25/
D and S	708.	43—		11/	
Fisher—	778—	23—		11/—	7/6
Mink—	822—	118—		3/4—	18d
Lynx and Cat—	918—	15—		14/9—	5/
Silver Fox	1137—	1—		80/—	10/ all roud
Black Beaver	1241.	2—		£10—10	40/ ea
Decr.—	8				
Racoon	7				
Fox Crop	2	1243—		80/—	
White—	1				

[Address]

John Johnston Esqr

St Marys—

NOTES FOR MEMOIR OF MRS. HENRY ROWE SCHOOLCRAFT BY HENRY ROWE SCHOOLCRAFT.[63]

[Smithsonian—Schoolcraft Papers—Scrapbook I.]

Notes intended to be used in drawing up a biographical notice, or memoir of Mrs. Henry Rowe Schoolcraft.

Mrs Jameson,[64]

When I mentioned to you, I should be pleased to furnish you some sketches of Mrs S. I thought it would be a means of diverting me, and at the same [time] furnish you, perhaps, with the foundation of some remarks on the applicability of e. and c. to the native Indian family, But I hardly dreamt, I should permit so much time to pass but, in truth, I have been rambling over half Europe and I was at Notly Hill, and it is not without some ado, that I sit down to draw my thoughts together.[65] To understand the true position in society occupied by Mrs. Schoolcraft, it is necessary to advert to her parentage. Her father, the late John Johnston Esq of St Mary's Falls, was from the north of Ireland, where he possessed an estate near the Giant's Causeway, and was respectably connected. The family, as he informed me, were, at a remote period from Scotland, and the particular branch settled in Ireland was directly descended from connections with the family of Leathes of Bury St Edmonds and Mussenden of Herringfleet Hall Norfolk. His father was a naval officer at the siege of Louisbourg and afterwards held a post in the Customs at Port Rush Ireland, and died at middle age. Mr Johnston his eldest son, owed the superintendence of his educa[tion] to his mother (a M^c^Neil) had designed pushing his fortune in India, but was discouraged by Lord Macartney, to whom he applied, and took letters for Sir Alured Clarke the Governor General of Canada at Quebec, by whom he was well received, and offered a grant of land in Acadia; but not exactly liking the location, and at the same time, meeting with Mr Tod, an Irish gentlemen of enterprize who had the direction or at least, a prominent interest, of the Fur trade in the North West, he was induced to proceed to Michilimackinac, and after a year or two, spent on lake Superior, he settled at the *Sault,* or Falls of St Mary's about 1793. To this place he brought the daughter of Waubojeeg a noted war chief and civil ruler

[63] A. D.

[64] Mrs. Anna Brownell Jameson (1794-1860), the English authoress, passed a portion of her time in Canada, 1837-1838, and while visiting the Sault formed the acquaintance of Mrs. Schoolcraft, to whom she was much attracted, both on account of her literary tastes and her Indian origin. Cf. Mrs. Anna B. Jameson, *Winter Studies and Summer Rambles in Canada* (1838). (J. S. F.)

[65] It was during Schoolcraft's absence in Europe in 1842, that his wife died. The Notes were probably written before his return or just afterwards. (J. S. F.)

of the Chippewa, or more correctly, *Odjibwa* Tribe. He baptized her by the name of Susan, and having previously taken her, from her father, according to the Indian mode of marriage, he subsequently complied with the English ritual at the neighboring port of St. Joseph's, and to these double obligations, he faithfully adhered, and, by her, had a family of eight children, four males and four females, all of whom lived, and were raised to maturity. For their sakes, he finally gave up the idea of a return to Ireland, and through his connections, became extensively known and much respected by the northern tribes, and exercised a favourable influence upon him.

Jane, (Mrs Schoolcraft) was his eldest daughter, and was born January 31st 1800. Her father very naturally, became her earliest instructor, and directed her reading, and from him she derived, that purity of language, correct pronunciation, and propriety of taste and manners, which distinguished her. Under his direction she perused some of the best historians, the lives of Plutrarch [sic] the spectator and British essayists generally with the best dramatists and poets. And under his delicate and well timed commendations and criticisms, she not only acquired more than the ordinary proficiency in some of the branches of an English education but also a correct judgment and taste in literary *merit.* He made it a rule to excite her to throw all her energies into whatever little effort, or essay, she undertook, and thus always to be doing *her best*— At an early age, he took her with him to Ireland, and placed her with her aunt Mrs Moore of Wexford, under whom she profited in many lessons of female etiquette, of which, she always retained the most perfect remembrance. With Mrs Moore, it was destined she should permanently remain, and be the inheritor of her property. This design was, however, frustrated by the sudden death of Mr Moore, from a stroke of appoplexy [sic], while Mr Johnston was in Ireland, and she desired to see her mother, and she plead so well with him, for a return to America, that, he told me, he could not resist her persuasions. She had early imbibed pious sentiments, and these were greatly strengthened, and furthered by the conversation of her Irish friends, particularly her aunt and uncle, the Reverend Mr and Mrs Kearney of (at that period) Delganny and by the works of Hannah More and other authors of the day. A miniature taken of her during this visit is deemed a[n] excellent likeness, although in compliance with the fashion of the day, for little girls [while at] her relatives in Dublin, (Mrs Saurins)[66] she had been shorn of her fine head of hair.

On the home route from Quebec to St Mary's, her father was impressed

[66]Wife of Bishop Saurin of Dromore. (J. S. F.)

with the pleasure she appeared to derive from the scenery of her native country (always a strong point of admiration with her) but when, in crossing the Niagara ridge, in the route from Queenston to Fort Erie, she saw the pine, she could not resist the expression of impassioned admiration. "There pa! see those pines!" she explaimed, "after all I have seen abroad, you have nothing equal to the dear pine." At a later period, I asked her if she could not recal[l] her feelings at the moment, on which he gave me some lines in the Indian language, of which, you will find a translation appended. At Detroit Mr J. and his d. were kindly received by Gov. Hull and his intelligent family. On reaching Machilimackinac, it was the beginning of October. Winter, in all its rigour [sic], was about to set in; and the ordinary means of reaching St Mary's, was wanting. At this juncture Major Howard, the American officer commanding at Mackinac, very handsomely fitted out a boat, manned with soldiers, and sent them into the [sic] river St Mary's. They were met, at the Sailor's Encampment, by a boat dispatched by Mrs Johnston. in search of them. She, by the impulse of what is termed *Un watch e ga,* had fancied them near, and sent off the boat, at daylight. Major Howard's boat returned from this point, Mr J. and his daughter safely reached home, that day and the next morning the river was closed with ice, nor did it open again till spring.

Those extraordinary men, Elksatawa or the Shawnee prophet, and his brother Tecumsah [sic], were at this time in the height of their fame among the Indian tribes, and agitated them, with the expectation of some great deliverance, to the utmost bounds of lake Superior and the sources of the Mississippi. The war of 1812 followed, and, before the close of 1814, it involved Mr Johnston and his family very deeply in its consequences. By success as an outfitter for the Fur trade, or merchant-in-chief, he had acquired a handsome property, and was meditating a retirement to the vicinity of Montreal, where he could better perform the duties he owed to his rising family, when the war began. In the summer of 1814 a large detachment of American troops under the command of Major Holmes, came up the river in boats, and, after burning down the buildings of the North West Company, crossed over to the W. side of the river, and completely sacked and pillaged his stores and dwelling house, not even leaving the smallest article of domestic convenience, and ransacking the bedrooms to the last article of female apparal [sic]. Mr Johnston was absent at the time, with his daughter Jane, at the island of Mackinac, which had been captured the year before, by a party

of regulars from St Joseph's, aided by a hastily raised local militia.[67] Mrs Johnston, took her younger children, and fled, in haste, into lake Superior, where both she and they, nearly suffered starvation. The reason assigned for this incursion, was that Mr Johnston was a British subject, that he held a magistrate's commission from the Governor of Canada and had had [sic] exerted his influence in raising the Indian tribes, and leading them, personally, to the attack of Mackinac. Of his loyalty to the country of his birth, he never gave friend or foe reason to doubt, to the day of his death; but he owed this piece of petty vindictiveness to exaggerated and false representations, which had been made by low and envious neighbours, and especially by opponents in the fur Trade, who wished to see him crippled and humbled. These misrepresentations, it is but justice to say, the American officer, would have treated as they deserved, and spurned both the counsel and the act, had he seasonably known their true character As it was the act appeared vile—an army plundering an individual. Goods and property to the amount of £ 10,000, were thus destroyed, besides losses in the business of an irreparable character, or carried away. But the hardest point of the case, was still to come. The Commissioners appointed under act of Parliament to ascertain and award the losses sustained in the war by citizens of Canada, rejected this claim of Mr Johnston's on the ground of the claimant's living south of the line of demarkation of the old treaty of 1783, without adverting to the fact, that that line, north of lake Huron, had never been enforced, and the still stronger fact, that the entire region had been conquered by the troops from St Joseph, and was then actually held by the garrison of Mackinac, and so continued, until the peace of Ghent, and was only restored by a clause of that Treaty. Nor has a farthing been paid on this claim, to the present day. An act of Mr Johnston's high and honorable character, occurred on the taking of Mackinac, in which he bore a part. The Indians, burning to signalize their triumph by American scalps, were in the act of sacraficing a peaceful non combatant trader, when he stepped forth, and in tones of just rebuke, sent back the Indians to their camp, and saved the man's life.

Miss Johnston was in the fort, with her father, at the moment the American army, under the command of Col Croghan, assailed the Island. It was the blunder of this attack, for the purpose of [recovering,] the Island, on the part of the American forces, that they landed on the back part of the island, three ½ miles from the fort, the point of attack, and separated from it, by thick low woods, affording the best possible shelter

[67]Cf. supra, Memoir of John Johnston and notes, for this and following incidents in connection with the war. (J. S. F.)

for the warfare of the Indians, who were assembled in great numbers. The consequence was the American column, was sadly handled by side firing, before they could reach and deploy in open grounds, at at [sic] this precise point, their leader fell, and being opposed from a commanding ridge in front, by a comparatively small numerical force of regular troops, and militia, they faultered [sic] and fled to their ships, with a severe loss. It was to be expected that the Indians should exercise their peculiar mode of warfare, in respect to the killed and wounded. The clothes of the dead, as well as their scalps, are secured in such cases, and the consequence of that same action, was, that very few prisoners were taken and spared alive. I have heard of but two American soldiers who were brought in, and for these, Miss Johnston and a miss Lafromboise (afterwards the wife of Col Pierce of the U. States Artillery) set to work, and made shirts, and these poor fellows, were sent on board the fleet, by a cartel and returned to their friends.

It was one of the consequences—may I not add, one of the most important and beneficial consequences of the war of 1812, to America, (the U. S.) that it served to open [and] make known the Great West (the U. S. W. of the Alleghanies) to the country. This alone, was worth more to the U. S. than the whole expence of the war; by opening to settlement.

The fe[r]tility of the soil, the mildness of the climate and the great extent of territory together with the abundance, and magnitude of its streams, attracted attention, for up to this time, very little was generally known on these subjects in the Atlantic States. Emigration rapidly poured in to this region on the ratification of the Treaty of Ghent, and the consequent pacification with the Indian tribes. The latter were pleased to sell portions of their domain, to make amends for their heavy sufferings in the war, and the declining state of their fur trade; and the A. government, facilitated the settlement of the country, by prompt surveys and sales of the more easterly portions, and by sending out exploratory parties, accompanied by scientific men, towards the farther west, and north west. It was in these latter exploratory expeditions, that the Mr Johnston and his family, and his peculiar character and enterprising exertions, were first prominently brought to the notice of the Americans although previously well known in the circles of Montreal and Quebec. For He had, from his first landing [?], been received most kindly rec^{d} by Sir John Johnson, and by several of the highly intelligent and enterprising Scotish and Irish gentlemen, who occupied an early celebrity as original partners of the then celebrated North West Company of Canada. It was, in the service of the Ame[rican] government, in

examining the mineralogy and physical geography features of the country, in 1820, that I first became personally acquainted with the family— The party sent out, in this year, encamped *on route* [sic] at the ancient French village of Sault de Ste Marie. It was at this place that Mr Johnston had fixed his residence, and factory for trade and where he exhibited and had preserved the mann[er] and character of a gentleman, in the depths of a remote wildness, A place which was only visited periodically by the governor and chief factors of Fur Trade from Montreal by venturous visitors and travellers, [sic] to whom he dispensed the duties of hospitality with a warmth characteristic of his countrymen. The location is a highly picturesque one, having the broad and clear expanse of the river in front with the falls and the not very remote mountains of lake Superior, in plain view.[68]

PREFATORY EXPLANATION

C. M. BURTON.

The following documents are the most important that have ever been printed by our society on that period of the history of our State immediately following the formation of the territory in 1805. It was some months, after the law organizing the territory was passed, before the governor and two of the judges reached Detroit. Judge Bates had lived in Detroit before his appointment. The Governor, William Hull, with the judges, Augustus Brevoort Woodward, Frederick Bates, and John Griffin, acted as a legislative body, while the three judges composed the judiciary in the new territory. When the officers arrived at Detroit, they found it only a mass of ruins, for every house, save one, had been destroyed by fire. The people were living in tents on the commons, and in the fort and the neighboring farm houses. The town had been swept out of existence. Titles to town lots were uncertain and precarious; all of this is explained in Judge Woodward's report, which is given herewith.

One of the earliest duties of the new government was the formation of its courts.

On July 24, 1805, the legislature adopted a law, establishing the Supreme court and fixing its duties. This court had original and exclusive

[68]The above account is obviously but a fragment; the rest of the manuscript is missing. Possibly it was never finished. (J. S. F.)

jurisdiction in all cases involving the title to real estate and in all criminal cases, and it had original and concurrent jurisdiction in all other civil cases where the matter in dispute exceeded $200.[1]

The next day, July 25th., they adopted another act, organizing district courts.

The entire territory was divided into four districts, as follows: District of Erie; all that territory lying south of the Huron (Clinton) and Grand Rivers.

District of Detroit; A strip of land ten miles wide, measuring five miles on each side of the citadel[2] in the old town of Detroit, extending westerly to lands unceded by the Indians.

District of Huron; All the territory lying southerly of the Bay of Saginaw, not included in the districts of Erie and Detroit.

District of Michillimackinac; All the remaining part of the territory northerly of the Bay of Saginaw.[3]

It will be understood that Michigan, at that time, included all of the present Michigan, Wisconsin and part of Minnesota, also a narrow strip of Indiana and Ohio.

For judicial purposes the districts of Huron and Detroit were to constitute one district.

In each judicial district one of the judges was to hold court, commencing on the fourth Monday in June each year.

The District Court had jurisdiction in all cases where the amount involved exceeded $20.[4]

Justices Courts were also established for all claims under $20.[5]

Appeals could be taken from the District Court to the Supreme Court.

Deeds were recorded with the clerk of any court.[6]

The several courts acted as Probate Courts for the proving of wills and settlement of estates.[7]

In 1809, the law concerning District Courts was changed, so that in each court there should be one chief judge and two associate judges appointed by the Governor. It was the expectation that the Governor would make his appointments from the citizens of the District, and thus recognize the people of the territory as being entitled to an interest in the

[1]Laws of Mich. (1806) page 17.
[2]We might infer from this that the citadel was not destroyed in the fire of June 11.
[3]Proclamation of Gov. Hull, July 3, 1805, in Laws of 1806, page 154.
[4]Laws of 1806, page 26.
[5]Id. page 31.
[6]Id. page 52.
[7]Id. page 76.

management of their affairs. The judges of the Supreme Court had been brought here from other States.[8]

The District Courts were abolished Sept. 16, 1810.

County Courts were established in 1815, to consist of one chief and two associate justices.[9]

The Supreme Court was called in session for the first time July 29, 1805, and the only work of the court at that time, aside from its organization, was the appointment of Peter Audrain as clerk. Little formality was indulged in at the first two sessions. Nothing was done at the second session, except the admission of Solomon Sibley and Elijah Brush as members of the bar. Each of these attorneys is described, in the record, as "heretofore counsel and attorney at law in the territory of Indiana." At a very early session of the court, George Hoffman and Abraham Fuller Hull were also admitted to practice.

The Governor and Judges were very busy from this time forward in attending to the affairs connected with the destruction of the village, the making of a plan for the new village, the location of lots on which dwellings could be built, and works of that nature. As Judge Woodward explains in his report, the new plan was made without warrant of law, and the people took up the lots and built upon them relying on the good faith of the village in seeing that their rights were to be protected by laws to be passed in the future. There was no further session of the Supreme Court until Sept. 16, 1805, when a formality was begun which continued afterwards. The record states that the court was opened by James May, marshal of the territory in the following words, "Attention! The Supreme Court of the Territory is now sitting. Silence is commanded on pain of imprisonment."

Perhaps Judge Woodward's report gives as good an idea of the situation of Detroit at that time as can be found in a single document, and for that reason it will be given precedence of all others. Following that is a list of the people who had property destroyed in the fire, with the description of the lands owned by each, and the assent of these land owners to accept lots in the new plan, in exchange for their old holdings. It is very much to be regretted that the plan referred to in this agreement cannot be found.

TEXT.

The troubles of the Governor and Judges and the Secretaries, the transactions of the courts, and other matters of detail in the early history of the territory, cannot be told in better form than by the documents that

[8]Territorial Laws, Vol. 2, page 68.
[9]Cass Code 89.

are here, for the first time, collected and published. Brief sketches of the lives of the Governors Hull and Cass and of the judges above named, and of Judge James Witherell, who soon succeeded Judge Bates, are to be found in the publications of the society, and can readily be located.*

REPORT OF THE GOVERNOR AND JUDGES OF MICHIGAN TERRITORY TO CONGRESS.

[Copied from the original in the library of C. M. Burton, Detroit.]

Detroit, October 10, 1805.

The Governor of the Territory of Michigan and the Presiding Judge thereof, in compliance with the wishes of the Governor and the people of the territory, have the honor to make the following report relative to the affairs of the territory:

By the act of the Congress of the United States, establishing the territory, the government thereof was to commence from and after the 30th day of June 1805. The Presiding Judge arrived at Detroit, the seat of the Government, on Saturday, the 29th day of June, and the Governor on Monday, the 1st day of July. The Associate Judge, who was previously a resident of the territory, was already there. On Tuesday, the 2d July, the Governor, in pursuance of the ordinance of Congress, administered to the several officers their respective oaths of office, and on the same day the operations of the Government commenced.

It was the unfortunate fate of the new Government to commence its operations in a scene of the deepest public and private calamity. By the conflagration of Detroit, which took place on the morning of the 11th. of June, all the buildings of that place, both public and private, were entirely consumed; and the most valuable part of the personal property of the inhabitants was lost. On the arrival of the new Government, a part of the people were found encamped on the public grounds in the vicinity of the town, and the remainder were dispersed through the neighboring settlements of the country, both on the British, and the American side of the boundary.

*Of Judge Bates in Vol. VIII, page 563; of Judge Woodward Vol. XXIX, page 638; many of the documents originally prepared for this publication were reluctantly omitted by the editor, because they had already been printed; the reader is accordingly referred to Vols. VIII, XII and XXXI.—H. S. Bartholomew.

The place which bore the appellation of the town of Detroit was a spot of about two acres of ground, completely covered with buildings and combustible materials, the narrow intervals of fourteen or fifteen feet, used as streets or lanes, only excepted; and the whole was environed with a very strong and secure defence of tall and solid pickets. The circumjacent ground, the bank of the river alone excepted, was a wide commons; and though assertions are made respecting the existence, among the records of Quebec, of a charter from the King of France, confirming this commons as an appurtenance to the town, it was either the property of the United States, or at least such as individual claims did not pretend to cover. The folly of attempting to rebuild the town, in the original mode, was obvious to every mind; yet there existed no authority, either in the country, or in the officers of the new Government, to dispose of the adjacent ground. Hence had already arisen a state of dissension which urgently required the interposition of some authority to quiet. Some of the inhabitants, destitute of shelter, and hopeless of any prompt arrangements of Government, had re-occupied their former ground, and a few buildings had already been erected in the midst of the old ruins. Another portion of the inhabitants had determined to take possession of the adjacent public ground, and to throw themselves on the liberality of the Government of the United States, either to make them a donation of the ground, as a compensation for their sufferings, or to accept of a very moderate price for it. If they could have made any arrangement of the various pretensions of individuals, or could have agreed on any plan of a town, they would soon have begun to build. But the want of a civil authority to decide interfering claims, or to compel the refractory to submit to the wishes of a majority, had yet prevented them from carrying any particular measures into execution. On the morning of Monday, the 1st. day of July, the inhabitants had assembled for the purpose of resolving on some definitive mode of procedure. The Judges prevailed on them to defer their intentions for a short time, giving them assurances that the Governor of the territory would shortly arrive, and that every arrangement in the power of their domestic Government would be made for their relief. On these representations, they consented to defer their measures for one fortnight. In the evening of the same day the Governor arrived; it was his first measure to prevent any encroachments from being made on the public land. The situation of the distressed inhabitants then occupied the attention of the members of the Government for two or three days. The result of these discussions was, to proceed to lay out a new town, embracing the whole of the old town and the public lands adjacent; to

state to the people that nothing in the nature of a title could be given under any authorities then possessed by the Government; and that they could not be justified in holding out any charitable donations whatever, as a compensation for their sufferings, but that every personal exertion would be used to obtain a confirmation of the arrangements about to be made, and to obtain the liberal attention of the Government of the United States to their distresses.

A town was accordingly surveyed and laid out, and the want of authority to impart any regular title, without the subsequent sanction of Congress, being first impressed and clearly understood, the lots were exposed to sale under that reservation. Where the purchaser of a lot was a proprietor in the old town, he was at liberty to extinguish his former property in his new acquisition, foot for foot, and was expected to pay only for the surplus, at the rate expressed in his bid. A considerable part of the inhabitants were only tenants in the old town, there being no means of acquiring any new titles. The sale of course could not be confined merely to former proprietors, but as far as possible, was confined to former inhabitants. After the sale of a considerable part, by auction, the remainder was disposed of by private contract, deducting from the previous sales the basis of the terms. As soon as the necessities of the immediate inhabitants were accommodated, the sales were entirely stopped, until the pleasure of Government could be consulted. As no title could be made, or was pretended to be made, no payments were required, or any moneys permitted to be received, until the expiration of one year, to afford time for Congress to interpose. The remaining part was stipulated to be paid in four successive annual installments. The highest sum resulting from the bids was seven cents for a square foot, and the whole averaged at least four cents. In this way the inhabitants were fully satisfied to commence their buildings, and the interfering pretensions of all individuals were eventually reconciled. The validity of any of the titles was not taken into view. The possession under the titles, such as they were, was alone regarded, and the validity of title left to wait the issue of such measures as Congress might adopt, relative to landed titles in the Territory of Michigan generally. It therefore now remains for the Congress of the United States either to refuse a sanction of the arrangement made, or, by imparting a regular authority to make it, or in some other mode, in their wisdom deemed proper, to relieve the inhabitants from one of the most immediate distresses, occasioned by the calamitous conflagration. Strongly impressed with a sense of the worth of the people, and deeply commiserating their sufferings, of a great part of which they were eye-

witnesses the officers of their local Government cannot refrain from adding their warmest degree of recommendation to forward the liberality the Congress of the United States will unquestionably be inclined to exercise towards them, and the disposition which will doubtless prevail towards attaching their affections, promoting their interests, and relieving their distress. Whether a donation of the acquisitions which have been stated, or of lands more remote, or the application of the proceeds to public purposes within the country, will be most advisable, the undersigned pretend not to say; but whatever relief may be extended to them on the part of the General Government, they hesitate not to assert, will be of the most essential utility to them, and rendered to objects of real merit. The organization of the courts of justice next demanded consideration. A judicial system was established on principles of convenience, economy, and simplicity. Courts were held under it, and all the existing business settled; every subject requiring to be legislated upon was acted on as far as the Government was competent to act. At the close of the other arrangements, the militia of the territory were completely organized and brought into the field.

The various acts, both of legislative and executive description, will appear at large in the semi-annual report of them, which the law of the United States require, and it will, therefore, be unnecessary to exhibit the details of them.

The grand juries constantly presented addresses to the courts on the subject of their land titles. The several companies of militia elected delegates to a general meeting, which, among other objects, addressed the Government on the subject of their titles, and earnestly requested the personal attendance of the Governor and one of the Judges during a part of the session of Congress. Indeed, the confused situation of land titles during the nine or ten years the United States have had possession of the country, has been such, and is so increasing by lapse of time, as now loudly to call for a definitive adjustment.

It is now nearly a century and a half since the first settlements were made in this country, under the French Government, and in the reign of Louis the XIVth, whose name it then bore, in common with what has since exclusively been termed Louisiana. In 1673, an officer, commissioned by the French Government, explored the waters of the West; taking his departure from lake Michigan, he penetrated to the Ouisconsin river, and afterwards to the Mississippi, and returned through the Illinois country, after having sailed down the Mississippi within one degree of latitude of the southern boundary of the United States, previous to the

late treaty of Paris, of April, 1803, and that anterior to the discovery of the mouth of the Mississippi by LaSalle. Prior to this era the settlements of the strait had commenced, and Detroit claims an antiquity of fifteen years superior to the city of Philadelphia. The few titles granted by the Government of France were of three French acres in front, on the bank of the river, by forty in depth, subject to the feudal and seignoral condition which usually accompanied titles in France. The ancient French code called *la coutume de Paris* was the established law of the country, and the rights of land were made strictly comformable to it. All these grants, however, required the grantee, in a limited period, to obtain a confirmation from the King; and, with the exception of a very few, this confirmation has never been made. On the conquest of the French possessions by Great Britain, in the war which terminated by the treaty of Paris, in the year 1763, as well in the original articles of capitulation in 1759 and in 1760 as in the subsequent treaty itself, the property of the inhabitants of the country is confirmed to them. The expression in the original is, *leurs biens, nobles et ignobles, meubles et immeubles.* It is, therefore, conceived to comprehend these lands. On the acquisition by the United States of America of that portion of Canada which is now comprehended within the limits of the Territory of Michigan, by the definitive treaty of peace, at Paris, in 1783, the subjects of His Britannic Majesty are secured from loss or damage, in person, liberty, or property; and in the treaty of London, negotiated between Mr. Jay and Lord Grenville, in November, 1794, they are still more particularly confirmed in their property of every kind, land, houses, or effects. However defective, therefore, the class of original proprietors may be with respect to the evidence of title according to the American forms, it is conceived their rights are extremely strong. The British Government granted few titles, and these were generally mere permissions of military officers to use or occupy certain pieces of land, often unaccompanied with any written evidences, but assuming, from long continued possession, an appearance of right. Under the American Government no titles of any kind have been granted.

From this state of things some consequences have resulted, which are not, indeed, difficult to foresee, but which it is difficult to remedy. One of these consequences, and perhaps, not the least important, is the effect it has had on the destiny and moral character of the progeny of the original colonists. When it is remembered that the troops of Louis the XIVth came without women, the description of persons constituting the second generation will not be difficult to conceive. When it is considered, at the

same time, that, destitute of titles to land, they were precluded from the means of acquiring them, it will be obvious that an entrance into the savage societies, or, at most, employments in the commerce carried on with them, were their only resources. While, therefore, the American colonizations of the same and of subsequent date have grown into regular, agricultural, and opulent States, these countries have been destined to anarchy, to ignorance, to proverty. The emigrant, whom curiosity or enterprise at any time brought into the country, was either attracted to the British side of it, or disappeared in some mode less easy to account for. Accession, by foreign population and by natural increase, being thus at once cut off, the fate of this fine region has necessarily been that insignificance which still belongs to it. The British Government, in recent periods, have confirmed original proprietors; made a donation of a quantity equal to the original grant, termed a continuation; and have granted lands to settlers, without any other price than common fees of office attending the acquisition of the grant. Such, however, is the inestimable value of liberty to man, that notwithstanding these, and if possible, greater inducements to the settlers, the undersigned venture to predict a marked superiority to the American side, even at the prices at present required by the American Government, or a slight variation of them, if the old claims are at once adjusted, and the country laid open to the acquisition of a new title.

From the state of the country which has been represented, another consequence has resulted. Encroachments, in some instances, grafted on original title, and in others without a semblance of title, have been made on lands which are, or ought to be, the property of the United States. Individuals have proceeded to extinguish the native right, contrary to the regulations of all the Governments; and, in some instances, extensive settlements have been made on title thus acquired. What arrangements the United States will make on this head, it belongs not to us to anticipate; we shall only recommend a liberal and merciful disposition to the people of this country, of whom it may be safely asserted they are less to be charged with depravity of character, than their Governments have been with cruel neglect and indifference.

The claims of the present inhabitants require to be considered under one more aspect, novel, indeed, but not the less founded in truth. When the American comes into contact with the aboriginal, if he is not considered as an enemy, he is at least regarded as a character with whom they are to struggle, and, if in no other, certainly in a pecuniary view. But the Canadian, allied by blood, by long established intercourse, by a countless

reciprocity of services, their native claims having long, as to time, been extinguished, and their honor and good faith having been repeatedly pledged for his protection, is uniformly regarded as their brother, and with him they are disposed to make a common cause. Hence justice, and liberal justice, to the Canadian inhabitant is an important point of policy in the conduct of the American Government towards the aboriginal inhabitants.

The extent of the Canadian extinguishments of Indian title, though in itself indefinite, appears first to have received limits in the treaty of fort McIntosh, in 1785. We there first find a written dereliction of Indian claim for a breadth of six miles from La Riviere aux Raisins, now called Rosine, on Lake Erie, to the lake St. Clair. In the subsequent treaty of fort Harman, in 1789, the same dereliction if confirmed. In the ulterior treaty of Greenville, in 1795, the confirmation is repeated, and additions made.

The treaty with Great Britain, of 1783, and the subsequent one of 1794, was made for the accomplishment of great national objects, having very little connexion with Canadian and Indian claims. The treaties of fort McIntosh, fort Harmar, and of Greenville, were all formed on other far more important points; and the quantity of extinguished Indian title in Michigan, recognized by them is less to be considered as an acquisition of new title, than a definition of the old. The expense of these negotations, therefore, can scarcely be said, in any sense, to attach to this country; and, perhaps it may be truly said that all the Indian title at present extinguished within the Territory of Michigan has not cost the United States a single dollar, but is entirely a recognition of a previous but indefinite title, extinguished by the Canadians. Hence a question will arise, whether it is more than barely justice to the inhabitants to allow them the whole of this part, or otherwise to permit the proceeds of it to be applied to their benefit, in the education of their youth, in the erection of public buildings, such as court-houses and jails, which the late conflagration has entirely deprived them of, and in laying out roads, and other improvements in their country. Next to the adjustment of the old titles, comes the acquisition of new. It is believed that at this period, and in a particular mode, a very large portion of Indian title may be shortly extinguished; but as this part of the subject may hereafter be deemed confidential, it is made the subject of a distinct report.

On an occasion like the present, it may not be unadvisable to revise some of the regulations relative to the territory.

On all the subjects requiring legislation, the present Government act

with difficulty, and, on many, cannot act at all. All laws will be found to operate on particular places, times, and persons; and in no State which enters into the composition of the American Union, will an abstract code of principles be discovered free from a connexion, and that a very close one, with the places, times, and persons, affected by them. Hence the strict adoption of any code, or even of any one law, becomes impossible. To make it applicable, it must be adapted to the geography of the country, to its temporary circumstances and exigencies, and to all the particular character of the persons over whom it is to operate. Hitherto it has been religiously the object to follow what has been deemed the substance of the law, whatever modifications the form of it was obliged to undergo. But different minds will not always correspond in sentiment on what is substance, and what is form; and in all the litigations which arise under laws, those affecting the validity of the law itself are the most intricate and difficult. Hence, in a country whose administration ought to be marked with simplicity, intricacy, procrastination, and uncertainty in affairs, result. To adopt laws from the original States, the laws of the original States ought to be furnished; and, waiving the difficulty and expense of procuring them, what body of men, under the pressure of immediate business, can acquire a complete acquaintance with them? The possession of all the codes, if it were possible, and a complete acquaintance with their contents, would still prove an abortive cure; for, in many very simple cases, a strict precedent will be searched in vain. In the object to establish a ferry, to regulate the affairs of any district, to erect a court-house, or to institute a school, however urgent the call, however obvious the means, it must often be abandoned for want of a precedent that will apply; and often, when attempted, may be defeated, from the want of a strict correspondence between the law made and the precedent from which it professes to be adopted? The real security for the prevalence of republican principals rests not in a provision of this awkward kind; for, even in the codes of the State the disciple of aristocracy may sometimes find a weapon. It rests in the general probability that the administrations of this description will be conformable to the general administration. It rests in the parental control of Congress. Experience is the best test of the propriety or impropriety of a law; and if a law be made which gives dissatisfaction, the natural resort is to the authority first making for its correction, and when from defect of power or of inclination the evil is found irremediable by them to superior authority.

The requiring a possession of certain quantities of land in various officers is not only impracticable in the present instance, but the policy

on which the provision may have originally been grounded has ceased to exist.

The southern boundary of the territory is indefinite. Though, in the present maps of the United States, a line of latitude through the southern bend of lake Michigan appears to strike lake Erie near the mouth of the Miami, yet, in the maps of Arrowsmith and M'Kenzie, such a line of latitude would not strike lake Erie, but pass entirely south of it. The anxiety of the southern settlers of the territory is great not to be attached to the State of Ohio, which would be incommodious to them, but to Michigan, which is so much more convenient. The western end of lake Erie, even from Sandusky, would feel this convenience.

The case of the Wyandot Indians deserves the consideration of Government. They live in two towns, Maguaga and Brown's town, within the limits of the American title. To the treaty of fort Harmar a clause was annexed, stipulating that they might remain unmolested. In the treaty of Greenville, this provision is omitted. They constantly assert, and there are not wanting reputable citizens who join them in the assertion, that they were solemnly promised by General Wayne a continuance of the indulgence. It may, therefore, be worthy of serious considerations whether it may not be advisable, in the adjustment of titles, to recognise their possessions, and invest them with the character of citizens.

William Hull[1]
Governor of the Territory of Michigan.
A. B. Woodward.
Presiding Judge of the Territory of Michigan.

WILLIAM HULL TO JAMES MADISON.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

Newton,* Massa. 8th May 1805.

Sir—

I have received a Letter from the Secretary of the Treasury, in answer to mine of the 12th of April, which was referred to him, stating, "that

[1]This report is printed in Vol. 16, of the American State Papers, (Gales & Seaton Edition 1832) and is reprinted here to be more readily accessible. There are many other papers in this volume of the American State Papers relating to early land grants and to the confirmations by the various commissioners appointed to settle Michigan land titles.

*This was Gov. Hull's home and where he died Nov. 29th, 1825; he was born at Derby, Conn., June 24th, 1753. His appointment was confirmed March 1st, 1805; Michigan Territory came into existence July 1st, 1805.—H. S. B.

it is not yet ascertained, whether there are any lands in the Michigan Territory, unappropriated; and that no lands will be offered for sale, untill after the report of the Commissioners is laid before Congress—

From this statement, it does not appear, that the Governor and other officers will be able to procure a title to the quantity, which is made a qualification while in the exercise of their offices—

The ordinance of Congress, which is referred to by the law, and adopted for the Government of the territory, provides "The Governor must reside in the district, and have a freehold Estate therein in one thousand acres of land, while in the exercise of his office"—The question is, whether it will be propper for him, to organize the government, and enter on the duties of his Office, without this qualification—

Presuming, that it will be necessary for the government to go into operation the 1st of July, I shall be at New York on my way to Detroit, by the 20th of may, where I wish you to address any letters, you may think necessary to write, to the care of John McKesson Esqr. N°. 245. Broad Way— I have no doubt measures will be taken to remove the difficulty, I have stated, or such an explanation will be given, as to make it appear unnecessary at present—

It must, Sir, be obvious to the government, that removing so great a distance with my family, will be attended with very considerable expence. I see no provision in the law to defray it—

I would ask, whether in similar cases, it is not usual to make an Allowance, and whether, if the President should think it reasonable, he is not authorized in some way, to do it, by considering it a necessary incidental charge. Whatever is propper on this head, I presume will be done—

The 1st of June, three months will have expired, since the date of my Commission. It would be convenient to me to have a mode pointed out by which I could receive on my arrival at New York, my pay for one quarter of a Year, and a further advance, if it should be deemed propper. On this head, please to address letters to me at New York, by the 20th of may— The Law is silent, with respect, to the manner in which the oaths are to be administered— If I should not be informed on this subject, I shall appy [sic] to a Judge, or some other Officer of the U. S. who has been duly qualified— I hope however when I arrive at New York, I shall receive advice from you on this subject.

I hope, the Laws which I mentioned in my former Letter will be forwarded, so as to be at Detroit by the 1st of July— The ordinance provides, that "The Governor and Judges are authorized to adopt and publish, in the district such laws of the original States, criminal and civil,

as may be necessary and best suited to the circumstances of the district, and report them to Congress, etc. If therefore the laws of all the States could be procured, it appears to me, it would be expedient—

I am informed, there is no printing press in the Territory— It appears to me, it will be absolutely necessary, for the publication of the laws, and a convenience for various other purposes— If I can engage a Printer to go, on his own account, I certainly shall— If I cannot, will not the necessity of the case render it fit, that an allowance should be made in the first instance, for the purpose of making the establishment—

If, in this letter, I have made any applications, which ought to have been made to the other departments of the Government, you will excuse it, and my apology is that I have not been conversant with the affairs of the general Government— I am with very great respect, your most obed^{t}. Serv^{t}—

W^{m} Hull.

J. Madison Esq^{r}. Secretary of State.

WILLIAM HULL TO JAMES MADISON.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

Albany 3^{d} June 1805.

Sir—

Before I arrived at this place, Judge Paterson* had left it, and I have applied to the Vice-President of the United States, and he has administred the Oaths to me— This, I presume will be thought propper and supercede the Necessity of authorizing any person at Detroit to administer the Oaths—

I have with me the laws of the U. States, and of the State of New York*— The former were delivered to me by M^{r}. Gilson, and the latter I procured from M^{r}. McKesson, with an engagement, that M^{r}. Gilson should restore them to him— The laws of Indiana Territory, and the late Territory north west of the Ohio, we shall have immediate occasion for—

I am with much respect your most
obed^{t}. Serv^{t}
William Hull

James Madison Esq^{r}.
Sec^{y}. of State.

*William Paterson of Albany was then on the U. S. Supreme Bench.—H. S. B.

LIST OF REAL ESTATE OWNERS AND VALUES AT THE TIME OF THE DETROIT FIRE IN 1805.

[Original in the Public Library, Detroit.]

A return of the Town Lotts of Detroit describing their size and the Building materials thereon, taken by Matt[w] Ernest, Fran[s] Lassell and Charles Moran, at the request of a number of the Proprietors.—June 24 1805.—

No.	Owners Names.	Feet in Front	Feet in Depth	Tois of Stone	M of Bricks	Value of Feet in Front. Dolls.	Value of each Lotte &c in Dollars
1	James May Esquire	90	160	20	4	3	456—
2	Angus McIntosh Esq.	90	160	35	3	3	800—
3	Forsyth and Smith.	104	140	25	—	3	562—
4	John Watson	48	140	6	3	3	216—
5	Peter Audrain Esq.	62	145	6	4	3	262—
6	Matt Donnovan	86	145	26	6	3	542—
7	John Dodemead Esq.	87	175	13	8	3	423—
8	William Robinson	83	180	30	—	3	549—
9	Meldrum and Park.	48	185	30	—	3	444—
10	Council House	90	75	25	2	3	528—
11	John McGregor	77	75	14	—	2	294—
12	Joseph Campau	75	78	20	—	3	425—
13	John Dodemead	84	54	25	—	3	502—
14	William Robinson	53	54	6	3	2	178—
15	Robt and Jas. Abbott.	62	54	7	—	2	194—
16	W. Woolsey	24	54	—	2	2	52—
17	Estate of Jas Abbott Esq.	44	54	20	—	2	288—
18	Vincent	42	54	6	—	2	144—
19	James Henry Esquire.	102	54	30	—	2	504—
20	Estate of Mr. Callaghan.	36	54	2	—	2	92—
21	John Watson	39	24	2½	—	1	64—
22	Mr. Seek	27	54	5	1½	2½	123.50
23	John Dodemead (Cooks)	45	26	7	—	1	115.—
24	James Frazer	75	123	10	—	2	250—
25	Church Ground	161	123	20	3	2½	614.50
26	Curry and Martin.	49	54	18	—	2½	302.50
27	Richard Pattinson	49	54	6	—	2	160—
28	Denoys and Picket.	61	54	6	3	2	192—

29	Estate of Mr. Callaghan..74	54	13	3	2	290—
30	Gabriel Godfroy 44	54	6	5	2	168—
31	Estate of Wm. McComb..42	54	10	—	2	184—
32	John Conner 61	54	7	—	2	192—
33	Estate of Wm. McComb..43	54	2½	—	2	111—
34	Matt Donovan 33	54	5	8	2	148—
35	Mr. Cook 33	54	9	—	2	156—
36	Estate of Wm. McComb..36	54	11	5	2½	220—
37	Do .....Do 33	65	3	—	1	66—
38	Indian Store 72	65	9	4	1	178—
39	The house occupied by Welch 60	65	2	10	1	120—
40	Mr. Richards 50	65	3	—	1	80—
41	Joseph Thiebaut 88	65	15	6	1	262—
42	Augustin Lafois 41	65	6	—	1	65—
43	Joseph Voyez 90	65	7	7	1	188—
44	Arch. Horner 67	65	6	—	1	127—
45	Joseph Campau 35	35	11	—	½	127.50
46	William Allen 35	26	3	3	½	59.50
47	Mr. Jerorden 90	60	6	3	1	162.—
48	Estate of Burrell 49	60	1	—	1	59—
49	Mrs. Canta 45	60	2	—	1	65—
50	Church Lott 36	60	3	—	1	66—
51	Lafleur 42	60	10	—	1	142—
52	County Jail etc.....73	60	12	6	1	217—
53	George Meldrum 55	60	6	—	1	115—
54	Mrs. Provencal 77	60	4	½	1	119—
55	Lonyo 47	130	4	2	2	142—
56	Mrs. Coats 42	120	2	2	2	112—
57	Mr. Gobban 43	120	6	—	2	146—
58	McNeil 43	120	18	—	2	266—
59	Estate of W. Dugan.....48	120	6	4	2	172—
60	James Henry Esquire....74	120	4	—	2	188—
61	D. McLain 72	46	2	1	1	96—
62	Capt Bird 40	72	8	—	1	120—

Total amount of Lotts & Materials Dolls.....14205.50

Matt[w] Ernest
Francois Lasselle
Chas. Moran

AGREEMENT OF CITIZENS OF DETROIT TO ABIDE BY PROPOSED REAL ESTATE REDISTRIBUTION.

[Original in the Library of C. M. Burton, Detroit.]

Detroit July 19th 1805.

We the undersigned, being the proprietors of the number of Lots, as set opposite to our names, in the old town of Detroit, do give our cordial Assent and Approbation to the Plan hereunto annexed, as proposed by the Governor and Judges of the Territory of Michigan, requesting (with due defference) that it may be put into operation as soon as may be consistent with the important business now before them.—

Names	No. of Lots.
Robert & Jas. Abbott	1
Mary Abbott	2
Joseph Voyez	1
Charles Curry	3
Robinson & Martin	1
Jno. Watson	2
Archibald Horner	1
John Conner	1
Peter Audrain	1
John Dodemead	3
Jas. Henry	3
Joseph Cote	1
Welch Estate	1
Widow Provincal—I. A	1
George Meldrum	4
Louis Lognan	1
E. Brush for Forsyth L. Smith	1
E. Brush for Forsyth L. Smith	1
E. Brush for Charles Askin Atty in fact by Special letter to Wm. Robertson	2
E. Brush for Alexr. Duff, Atty for Capt. Byrd	1

Records
Of the Proceedings of
The Governor
Of the Territory of Michigan
In his
Executive Department *
From the commencement of the
government of said
Territory
The first day of July
In the year of our Lord, One thousand eight hundred and five;
And of American Independence,
The twenty ninth
To the first day of January, one thousand eight hundred and six,

[Executive Records.]*

The Commission of his Excellency William Hull, as Governor of the Territory of Michigan, and of Stanley Griswold, as Secretary of the said Territory, with the Governor's Address on entering upon the duties of his office, are recorded on the fifth, sixth, seventh, eighth, ninth, tenth, eleventh and half of the twelfth pages of the Book of Executive Records.— Then commence the executive proceedings of the Governor.

Stanley Griswold,
Secy of Michigan Territory.

[Executive Records.]

1805 July 3 An Act of the Governor of the Territory of Michigan, concerning a District for the execution of Process, criminal and civil, and for other purposes.

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come, Greeting;—

Be it known, that for the execution of process, criminal and civil, I do hereby constitute the Territory of Michigan into one general District; and the parts of the Territory, in which the Indian titles have been extinguished, I do hereby constitute one county; and the townships heretofore laid out, I do hereby continue.

*For description of Detroit at this time. See Vol. XXXI, 510, by Charles Moore.

Given under my hand, and the temporary seal of the Territory of Michigan, at Detroit, in the Territory of Michigan, on the third day of July, one thousand eight hundred and five,—and thirtieth year of the Independence of the United States of America.

L. S.

William Hull.

By the Governor,
Stanley Griswold,
Secretary of Michigan Ter.y

An Act of the Governor of the Territory of Michigan, constituting the District of Detroit.

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come, Greeting:—

Be it known, that I do hereby constitute a District in the Territory of Michigan, which shall begin at the river Detroit, on the boundary of the United States of America, five miles north of the position of the centre of the citadel, in the ancient town of Detroit, and shall run thence a due west line to the boundary of the Indian title, as established by the treaties of Fort M^{c}Intosh, of Fort Harmar, and Fort Greenville—thence with the same ten miles—thence a due east line to the boundary of the United States—thence with the same to the beginning:—which said District shall be called, the District of Detroit.

Given under my hand, and my temporary seal of office, at Detroit, in the Territory of Michigan, the third day of July, one thousand eight hundred and five.

L. S.

William Hull.

By the Governor,
Stanley Griswold,
Secy of Michigan Ter.y

An Act of the Governor of the Territory of Michigan, constituting the District of Michilimackinac.

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come, Greeting:—

Be it known, that I do hereby constitute a District in the Territory of Michigan, which shall begin at the most western and southern points of the bay of Saguina, and shall run thence westernly to the nearest part of the river Marguerite*—thence along the southern bank thereof, to lake Michigan—thence due west to the middle thereof—thence with the lines of the Territory of Michigan, to the centre of lake Huron—thence a straight line to the beginning;—which said District shall be called the District of Michilimackinac.

Given under my hand, and the temporary seal of the Territory of Michigan, on the third day of July, in the year of our Lord, one thousand eight hundred and five; and the thirtieth year of the Independence of the United States of America.

L. S.

William Hull.

By the Governor,
Stanley Griswold,
Secy of Michigan Ter.y

An Act of the Governor of the Territory of Michigan, constituting the District of Erie.

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come, Greeting:—

Be it known, that I do hereby constitute a district in the Territory of Michigan, which shall begin at the most southern and eastern point of the limits of the Territory of Michigan, and shall run thence along the limits thereof northerly, until it reaches a point due east of the mouth of the river Huron of lake Erie—thence east to the mouth of the said river—and along the north bank of the same, to the head thereof—thence the nearest line to the Grand river, which disembogues itself into lake Michigan—and with the northern bank thereof to the said lake—thence west to the middle of the said lake—thence southernly along the limits of the Territory of Michigan, to the southern bend of lake Michigan—thence east to the beginning. Which said District shall be called the District of Erie.

*There is no Marguerite river in this state; it probably means Marquette which answers such description.

Given under my hand, and the temporary seal of the Territory of Michigan, at Detroit, on the third day of July, in the year of our Lord, one thousand eight hundred and five; and the thirtieth year of the Independence of the United States of America.

L.S.

William Hull.

By the Governor,
Stanley Griswold,
Sec^{y} of Michigan Ter.^{y}

An Act of the Governor of the Territory of Michigan, constituting the District of Huron.

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come, Greeting:—

Be it known, that I do hereby constitute a District in the Territory of Michigan, which shall begin at the most southern and western point of the bay of Saguina, and shall run thence a straight line to the centre of lake Huron—thence southernly along the boundaries of the United States, to the beginning of the District of Detroit—thence west, southernly and east, along the lines of the said District, until it returns to the said boundaries—thence with the said boundary, to a point due east of the mouth of the river Huron* of lake Erie—then east to the mouth of the said river, and along the south bank of the same, to the head waters thereof—thence the nearest line to the waters of Grand river, which disembogues itself into lake Michigan, and along the south bank of the same, to the mouth thereof—thence west to the middle of the said lake—thence northernly, along the boundary of the Territory of Michigan, to a point west of the mouth of the river Marguerite†—thence west to the mouth of the said river, and along the northern bank thereof until it intersects a line drawn westerly from the most southern and western point of the bay of Saguina—thence along the said line to the said point, the beginning. Which said District shall be called the District of Huron.

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*There were three Huron rivers—one now called Clinton and the other Cass; the one emptying into Lake Erie retains the name.

†Marquette.

Given under my hand, and the temporary seal of the Territory of Michigan, at Detroit, on the third day of July, in the year of our Lord, one thousand eight hundred and five; and the thirtieth year of the Independence of the United States of America.

L. S.

By the Governor, William Hull.

Stanley Griswold,

Sec^{y} of Michigan Ter.^{y}

1805

July 8 An Address,* respectful and congratulatory, from the citizens of the Township of Sargeant, signed by Francois Navarre, John Anderson, and Lewis Bond, committee, and dated July the eighth, one thousand eight hundred and five, was received by the Governor, on his appointment to the chief magistracy of the Territory of Michigan, and his arrival to take on him the duties of his office.—On the following day, the Governor returned a polite and respectful answer to the address.—Which address, and a copy of the Governor's answer are on file.

1805 A Commission of Coroner was issued by the Governor to
July 13. Richard Smyth, of Detroit, as follows:

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come, Greeting.—

Be it known, that reposing special trust and confidence in the integrity, knowledge and diligence of Richard Smyth, of Detroit, in the district of Detroit, in the Territory of Michigan, I have appointed him to be Coroner of the Territory of Michigan, and do authorize and empower him to execute and fulfil the duties of that office according to law; to have and to hold the said office, with all the powers, privileges and emoluments, to the same of right appertaining, from the day of the date hereof, during the pleasure of the Governor of the Territory of Michigan, for the time being.

In testimony whereof, I have caused these letters to be made patent, and the temporary seal of the Territory of Michigan to be thereunto affixed.

*See Mich. Pion. & His. Colls. Vol. XXXI, p. 526.

Given under my hand, at Detroit, in the Territory of Michigan, the thirteenth day of July, one thousand eight hundred and five.

SEAL

William Hull.

By the Governor,
Stanley Griswold,
Secy of Michigan Ter.y

A Commission of Justice of the Peace, was issued to David Duncan, of Michilimackinac, as follows:—

Territory of Michigan, to wit:

1805 July 13 William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come, Greeting:—

Be it known, that reposing special trust and confidence in the integrity, knowledge and diligence of David Duncan, of the district of Michilimackinac, in the Territory of Michigan, I have appointed him to be a Justice of the Peace in and for the said district of Michilimackinac, and do authorize and empower him to execute and fulfil the duties of that office according to law;—to have and to hold the said office, with all the powers, privileges and emoluments, to the same of right appertaining, from the day of the date hereof, during the pleasure of the Governor of the Territory of Michigan for the time being.—In testimony whereof, I have caused these letters to be made patent, and the temporary seal of the Territory of Michigan to be thereunto affixed.

Given under my hand, at Detroit, in the Territory of Michigan, the thirteenth day of July, one thousand eight hundred and five,—and the thirtieth year of the Independence of the United States of America.

SEAL.

William Hull.

By the Governor,
Stanley Griswold,
Secy. of Michigan Tery.

A Commission of Justice of the Peace, for the District of Erie, was issued to Francois Navarre, of the said District, dated the thirteenth of July, one thousand eight hundred and

five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

A Dedimus potestatem was issued to David Duncan, of Michilimackinac, to administer certain oaths to Samuel Abbott, as follows:

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come, Greeting.—

Be it known, that reposing special trust and confidence in the fidelity, knowledge and provident circumspection of David Duncan, of Michilimackinac, in the Territory of Michigan, I have, and by these presents do grant unto the said David Duncan, power to administer to Samuel Abbott, appointed a Justice of the peace, for the District of Michilimackinac, in the Territory of Michigan, the oath, or affirmation to support the constitution of the United States, and his oath of office; and to reduce the said oaths, or affirmations, to writing, and to take the subscription of the proper name and hand-writing of the said Samuel Abbott thereto; and to return the same to the Clerk of the Supreme Court of the Territory of Michigan, at Detroit, the seat of the Government of the said Territory.

In testimony whereof, I have caused these letters to be made patent, and the temporary seal of the Territory of Michigan to be thereunto affixed.

Given under my hand, at Detroit, in the Territory of Michigan, the thirteenth day of July, in the year of our Lord, one thousand eight hundred and five.

L. S.

William Hull.

By the Governor,
Stanley Griswold,
Sec^{y} of Michigan Ter.y

A Commission of Justice of the Peace, for the district of Michilimackinac, was issued to Samuel Abbott, of the said District, dated the thirteenth day of July, one thousand eight hundred and five—in tenor and form similar to the commission

of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

A Commission of Justice of the Peace, for the District of Erie, was issued to John Anderson, of the said District, dated the thirteenth day of July, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

Description of the temporary Seal of the Territory of Michigan,* deposited in the office of the Secretary of said Territory on the thirteenth day of July, one thousand eight hundred and five, and referred to in an Act of the Governor and Judges of said Territory, entitled, "An Act concerning the temporary seal of the Territory of Michigan," which Description is ordered in said Act to be recorded in the office of the said Secretary,—and the Seal to be in the custody of the person administering the Government of the said Territory.

The said Seal is of silver—is less than one inch in diameter—and contains the device of an American animal, usually called the Beaver—with suitable and appropriate decorations of fancy, and ornaments of heraldry.

Description of the temporary Seal of the district of Detroit.

Said Seal is of brass—of about one inch in diameter, having the device of a bust, representing a male face of great dignity and gravity, supposed to be that of the ancient Grecian Philosopher, Plato.

Description of the temporary Seal of the District of Erie.

Said Seal is of brass,—of about one inch in diameter, having the device of a female face, supposed to be that of the goddess of Beauty.

*For more extended description of early seals. See Mich. Pion. & His. Colls. XXX, p. 305.

Description of the temporary Seal of the district of Michilimackinac.

Said Seal is of brass—of about one inch in diameter, having the device of a female figure, at full length, reposing the right arm on a sphere—supposed to be the Muse of Geography, contemplating the progressive settlement and civilization of the continent of North America.

1805 July 15. A Commission of Justice of the Peace, for the District of Erie, was issued to Israel Ruland, of the said district, dated the fifteenth day of July, one thousand eight hundred and five, —in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

A Commission of Justice of the Peace, for the district of Erie, was issued to Francois Lasselle, of the said district, dated the fifteenth day of July, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis—mutandis.

A Commission of Justice of the Peace, for the District of Erie, was issued to Hubert Lacroix, of the said District, dated the fifteenth day of July, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

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16. A Commission of Justice of the Peace, for the District of Detroit, was issued to Robert Abbott, of the said district, dated the sixteenth day of July, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

A Commission of Justice of the Peace, for the district of Detroit, was issued to James Henry, of the said District, dated the sixteenth day of July, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

An Address,* in the name and behalf of the inhabitants of Detroit, signed by James Henry, E. Brush, Geo: McDougall, Chabert De Joncaire, and George Meldrum, their committee, was received by the Governor, expressing their confidence in him as Chief Magistrate of the Territory of Michigan, and replying particularly to most prominent points contained in his Address, delivered on the eighth instant, upon his entering on the duties of his office as Governor of said Territory.—On the same day, the Governor returned to the committee, a Reply to their Address.—Which address and reply are on file.

1805 July 17. A Commission of Marshal of the Territory of Michigan, was issued to Elisha Avery, as follows.—

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come, Greeting.—

Be it known, that reposing special trust and confidence in the integrity, knowledge, diligence and courage of Elisha Avery, of the District of Detroit, in the Territory of Michigan, I have appointed him to be Marshal of the Territory of Michigan, and do authorize and empower him to execute and fulfil the duties of that office according to law; to have and to hold the said office, with all the powers, privileges and emoluments, to the same of right appertaining, from the day of the date hereof, during the pleasure of the Governor of the Territory of Michigan for the time being.—In testimony whereof, I have caused these letters to be made patent, and the temporary seal of the Territory of Michigan to be thereunto affixed.

SEAL

Given under my hand, at Detroit, in the Territory of Michigan, the seventeenth day of July, one thousand eight hundred and five.

William Hull.

By the Governor,
Stanley Griswold,
Secy of Michigan Ter.y

*For copy of this address see Mich. Pion. & His. Colls. vol. XXXI, p. 526.

A Commission of Justice of the Peace for the district of Detroit, was issued to James Abbott, of the said District, dated July the seventeenth, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

1805 July 19. A Commission of Justice of the Peace, for the district of Detroit, was issued to James May, of the said District, dated the nineteenth day of July, one thousand eight hundred and five —in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

Richard Smyth, returned to the Governor his commission of Coroner, and the duties of that office were by law assigned to the Marshal of the Territory.

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20 A Commission of Justice of the Peace, for the District of Detroit, was issued to William McDowell Scott, of the said district, dated the twentieth day of July, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

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22 A Commission of Justice of the Peace, for the District of Detroit, was issued to Matthew Ernest, of the said District, dated the twenty second day of July, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

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24 A Commission of Justice of the Peace, for the District of Michilimackinac was issued to Josiah Dunham, of the said district, dated the twenty fourth day of July, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

25. Description of the temporary Seal of the Supreme Court of the Territory of Michigan, deposited in the office of the Secretary of the said Territory on the twenty fifth day of July, one thousand eight hundred and five,—and referred to in an Act of the Governor and Judges of said Territory, entituled, "An Act concerning the Supreme Court of the Territory of Michigan".

Said Seal is of Mastic stone—about one inch in diameter—and contains the device of a cypher, which is composed of the initial letters of the name of Peter Audrain, a citizen of the United States of America, residing in Detroit, in the Territory of Michigan.

1805

Aug. 6. A Commission of Marshal of the Territory of Michigan, was issued to James May, of Detroit, in the said Territory, dated the sixth day of August, one thousand eight hundred and five—in tenor and form similar to the commission of Elisha Avery, recorded on the twentieth page of this book—mutatis mutandis.

A Letter was received by the Governor from Elisha Avery, declining the acceptance of his commission as Marshal of the Territory of Michigan.—Which letter is on file.

A Commission of Justice of the Peace, for the district of Detroit, was issued to John Dodemead, of the said District, dated the sixth day of August, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

A Commission of Notary Public, was issued by the Governor, to Abraham Fuller Hull, as follows.—

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come, Greeting.—

Be it known, that reposing special trust and confidence in the integrity, knowledge and diligence of Abraham F. Hull, of the district of Detroit, in the Territory of Michigan, I have

appointed him a Notary Public, in and for the District of Detroit, in the Territory of Michigan,—and do authorise and empower him to execute and fulfil the duties of that office, according to law;—to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining, from the day of the date hereof, during the pleasure of the Governor of the Territory of Michigan for the time being.

In testimony whereof, I have caused these letters to be made patent, and the temporary seal of the Territory of Michigan to be thereunto affixed.

Given under my hand, at Detroit, in the Territory of Michigan, the sixth day of August, one thousand eight hundred and five.—and the thirtieth year of the Independence of the United States of America.

L. S.

William Hull.

By the Governor,
Stanley Griswold,
Sec^{y} of Michigan Ter.^{y}

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7. A Commission of Justice of the Peace, through all the Territory of Michigan, was issued to Stanley Griswold, as follows.—

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come, Greeting.—

Be it known, that reposing special trust and confidence in the integrity, knowledge and diligence of Stanley Griswold, of the District of Detroit, in the Territory of Michigan, I have appointed him to be a Justice of the peace in and over all the Territory of Michigan and do authorize and empower him to execute and fulfil the duties of that office, according to law,—to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining, from the day of the date hereof, during the pleasure of the Governor of the Territory of Michigan for the time being.

In testimony whereof, I have caused these letters to be made patent, and the temporary seal of the Territory of Michigan to be thereunto affixed.

L. S.

Given under my hand, at Detroit, in the Territory of Michigan, the seventh day of August, one thousand eight hundred and five;—and the thirtieth year of the Independence of the United States of America.

William Hull.

By the Governor,
Stanley Griswold,
Sec.^{y} of the Ter^{y} of Michigan.

A Commission of Notary Public, for the district of Erie, was issued to George McDougall, of the said District, dated the seventh day of August, one thousand eight hundred and five—in tenor and form similar to the commission of Abraham F. Hull, recorded on the twenty second page of this book—mutatis mutandis.

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8. An Address from the inhabitants on the River Raisin, signed by Geo: McDougall, John Anderson, Francois Navarre, and Jean Baptiste Jeraume,* their committee, was received by the Governor, August the eighth, one thousand eight hundred and five,—congratulating him on his appointment to the Chief Magistracy of the Territory of Michigan, and the auspicious commencement of the government of said Territory,—thanking him for his address, delivered at Detroit on the eighth of July last, a copy of which had been communicated to their settlement,—and requesting his attention to, and interference in favor of, their local interests.—On the same day, the Governor returned to the committee aforesaid, a Reply to the Address presented by them.—Which address and reply are on file.

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14. A Commission of Justice of the Peace, for the district of Huron, was issued to Jean Marie Beaubien, of the said district, dated the fourteenth day of August, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

A Commission of Justice of the Peace, for the district of Huron, was issued to George Cotterell, of the said district, dated the fourteenth day of August, one thousand eight hundred and

*This was also written John B. Jerome.

five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

A Commission of Justice of the Peace, for the district of Erie, was issued to Jean Baptiste Beaugrand, of the said district, dated the fourteenth day of August, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

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15. A Commission of Justice of the Peace for the district of Detroit, was issued to Antoine Dequindre, of the said district, dated the fifteenth day of August, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

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21. A Commission of Justice of the Peace, for the district of Michilimackinac, was issued to Francis Lebaron, of the said district, dated the twenty first day of August, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

A Commission of Justice of the Peace, for the district of Huron was issued to Christian Clemens, of the said district, dated the twenty first day of August, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

A Commission of Justice of the Peace, for the district of Huron, was issued to Louis Campeau, of the said district, dated the twenty first day of August, one thousand eight hundred and five—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

Sept. 4. By the Governor of the Territory of Michigan.
A Proclamation.

[The text of the proclamation is omitted because it appears in Vol. XXXI, page 536.—H. S. B.]

A Letter was received by the Governor, from the Secretary of State of the United States, enclosing an extract of a letter from the Post Master General to the President of the United States, on the subject of trespasses upon the Pinery on the river St. Clair,—which letter of the Secretary of State is dated the first day of August, one thousand eight hundred and five, and directs the Governor to issue a Proclamation forbidding the cutting of timber in said Pinery.—Which letter, with the extracts, and the Governor's Reply thereto, are on file.

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10. General Orders.

Detroit, 10th September, 1805.

The Governor, as Commander in chief of the militia of the Territory of Michigan, directs the following organization.

A Regiment of Infantry, to consist of eight companies, will be formed from every part of the Territory, excepting the District of Erie, which will be numbered, and have rank, as the First Regiment of the Territory.

A Regiment will likewise be formed in the District of Erie, to consist of seven companies of Infantry, and one company of Cavalry, which company of cavalry will be raised at large in the district by voluntary enrolment, and its numbers will be limited to thirty two rank and file: Which regiment will be numbered the Second Regiment and will have rank accordingly.

A Legionary Corps will be raised by voluntary enrolment, within the bounds of the First Regiment, to be composed of any of the men liable to do military duty,—and it will consist of one company of Cavalry, one company of Artillery, one company of Light Infantry, and one company of Riflemen. The Legionary Corps will be commanded by a Lieutenant Colonel and a Major.

The Commander in chief has thought proper to make the following military appointments, and the officers will be respected and obeyed accordingly.

Francois Chabert de Joncaire, esquire, First Aid-de-camp to the Commander in chief, with the rank of Colonel.—George McDougall, esquire, Second Aid-de-camp to the Commander in chief, with the rank of Lieutenant Colonel.—Solomon Sibley, esquire, Third Aid-de-camp to the Commander in chief, with the rank of Lieutenant Colonel.—James May, esquire, Adjutant General to the militia of the Territory, with the rank of Colonel.—Matthew Ernest, Esquire, Quarter Master General of the militia of the Territory, with the rank of Colonel.—The honorable Augustus B. Woodward, esquire, Colonel of the First Regiment.—Antoine Beaubien, esquire, Lieutenant Colonel of the First Regiment.—Gabriel Godfroy, esquire, Major of the First Regiment.—John Anderson, esquire, Colonel of the Second Regiment.—Francois Navarre, esquire, Lieutenant Colonel of the Second Regiment.—Lewis Bond, esquire, Major of the Second Regiment.—Elijah Brush, esquire, Lieutenant Colonel of the Legionary Corps.—James Abbott, esquire, Major of the Legionary Corps.

The Commander in chief, being desirous of availing the public of the services of the officers in the respective ranks to which they are appointed, requests them to manifest their acceptance as soon as possible.

The Colonel of each regiment, after consulting with his field officers, will divide the district of country, which forms his regiment, into as many divisions as there are companies in his regiment, and make a return thereof to the commander in chief.—He will likewise recommend and return the names of such characters as he shall deem suitable for Captains, Lieutenants and Ensigns, one of each grade to be in each division.—The Lieutenant Colonel of the Legionary Corps will recommend such characters as he, with the advice of his Major, shall deem suitable for Captains, Lieutenants and Ensigns.—They will likewise recommend suitable characters for Adjutants, Quarter Masters, Chaplains, Surgeons, and Surgeon's mates.

Signed William Hull.

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12. Augustus B. Woodward, Esquire, was commissioned Colonel of the First Regiment of militia, as follows:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come.

Be it known, that reposing special trust and confidence in the patriotism, valor, fidility and abilities of Augustus B. Woodward, esquire, I have appointed him Colonel of the first Regiment of militia in the Territory of Michigan, to take rank as such from the second day of September, one thousand eight hundred and five. He is therefore carefully and dilligently to discharge the duty of Colonel, by doing and performing all manner of things thereunto belonging. And I do strictly charge and require all officers and soldiers under his command to be obedient to his orders as Colonel.—And he is to observe and follow such orders and directions from time to time, as he shall receive from the President of the United States of America, or the Governor of the Territory of Michigan for the time being, or the general or other superior officers, set over him according to law and military rule and discipline.—This commission to continue in force during the pleasure of the Governor of the Territory of Michigan for the time being.—In testimony whereof, I have caused these letters to be made patent, and the seal of the Territory of Michigan to be thereunto affixed.

L. S.

Given under my hand, at Detroit, in the Territory of Michigan, the twelfth day of September, one thousand eight hundred and five, and the thirtieth year of the Independence of the United States of America.

William Hull.

By the Governor,
Stanley Griswold,
Sec^{y} of Michigan Ter^{y}.

Elijah Brush,*esquire, was appointed Lieutenant Colonel Commandant of the Legionary Corps, of the militia of the Territory of Michigan, to take rank from the second day of September, one thousand eight hundred and five; and a commission was

*Elijah Brush came from Bennington, Vt., to Detroit in 1798, after graduating from Dartmouth. He was Detroit's second mayor, as well as territorial treasurer, U. S. attorney and Lt. Colonel of militia. He married Adelaide Askin from whose father he obtained the property known as the Brush farm. He died Dec. 14, 1813. [Farmer's History of Detroit.] H. S. B.

to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

John Anderson, esquire, was appointed Colonel of the second Regiment of militia in the territory of Michigan, to take rank from the third day of September, one thousand eight hundred and five; and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

Antoine Beaubien, esquire, was appointed Lieutenant Colonel of the first Regiment of militia in the Territory of Michigan, to take rank from the third day of September, one thousand eight hundred and five; and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

Gabriel Godfroy, Esquire, was appointed Major of the first Regiment of militia in the Territory of Michigan, to take rank from the third day of September, one thousand eight hundred and five; and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

Matthew Ernest,* esquire, was appointed Quarter Master General, with the rank of Colonel in the militia of the Territory of Michigan, to take rank from the fourth day of September, one thousand eight hundred and five;—and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

*Later incidents of Col. Ernest's brief and unsavory career in the Territory are set forth on following pages.—H. S. B.

Francois Navarre, Esquire, was appointed Lieutenant Colonel of the second Regiment of militia in the Territory of Michigan, to take rank from the fourth day of September, one thousand eight hundred and five; and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

James Abbott,* Esquire, was appointed Major of the Legionary Corps, of the militia of the Territory of Michigan, to take rank from the fourth day of September, one thousand eight hundred and five, and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

Francois Chabert de Joncaire, esquire, was appointed First Aid-de-camp to the Commander in chief, with the rank of Colonel in the militia of the Territory of Michigan, to take rank from the fifth day of September, one thousand eight hundred and five; and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

George McDougall,† esquire, was appointed Second Aid-de-camp to the Commander in chief, with the rank of Lieutenant Colonel in the militia of the Territory of Michigan, to take rank from the fifth day of September, one thousand eight hundred and five; and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

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*For biographical sketch, see vol. XXII, this series, page 306.

†A biographical sketch of George Mc Dougall and father will be found in this volume.

Solomon Sibley,* esquire, was appointed Third Aid-de-camp to the Commander in chief, with the rank of Lieutenant Colonel in the militia of the Territory of Michigan, to take rank from the fifth day of September, one thousand eight hundred and five; and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

James May,† esquire, was appointed Adjutant General of the militia of the Territory of Michigan, with the rank of Colonel in the same, to take rank from the fifth day of September, one thousand eight hundred and five; and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

GENERAL ORDERS

[Letters and Papers from the Ter. of Michigan, 1805-1815.]

Elijah Brush, Esquire was appointed Lieutenant Colonel Commandant of the Legionary Corps, of the militia of the Territory of Michigan, to take rank from the second day of September, one thousand eight hundred and five; and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

Lewis Bond, Esquire, was appointed Major of the Second Regiment of militia in the Territory of Michigan, to take rank from

*Solomon Sibley was born at Sutton,, Mass., Oct. 7th, 1769; died Detroit, Apr. 4th, 1846. He first appears in the territorial records as a member of the General Assembly of the North West Territory for Wayne County, in 1799. He was Detroit's first Mayor in 1806, and held many offices. In 1802 he married Sarah Whipple Sproat. [Farmer's History of Detroit.] H. M. B.

†Judge James May was an Englishman who came to Detroit in 1778 and died in January 1829. Sheldon's History of Michigan gives a short sketch of him in the preface and his portrait appears in the volume on page 364. He was appointed Chief Justice of the Court of Common Pleas about the year 1800. He held that office seven years. He was the father of Mrs. A. D. Frazer of Detroit. After the great fire he collected the stones which composed the chimneys of the old houses and built a house, which in 1836 was used as a hotel and known as the Mansion House. Judge May was a very large man, weighing 340 pounds.

the fifth day of September, one thousand eight hundred and five; and a commission was to him issued, dated the twelfth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

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17. General Orders

Head Quarters, Detroit, 17th Sept. 1805.

1805 Sept. 17 The Commander in chief has thought proper to make the following Divisions of the country, for the establishment of companies in the first Regiment—and to make the following military appointments.

The District of Michilimackinac to constitute one company—David Duncan to be Captain, Samuel Abbott Lieutenant, Allen C. Wilmot Ensign.

The District of Huron, from lake Huron to lake St Clair, to constitute one company—George Cotterell to be Captain, Jean Marie Beaubien Lieutenant, George Cotterell Junior Ensign.—Thence to L'Anse Creux, including the settlement of the same to be one company—Louis Campeau to be Captain, Christian Clemens Lieutenant, James Connor Ensign.—Thence to La Riviere du Marais to be one company—Louis St Bernard to be Captain, Thomas Tremble Lieutenant, Francois Rivard Ensign.—Thence to La Rivier de Meloche to be one company—Joseph Cerre, dit St John to be Captain, Louis Beaufait Junior Lieutenant, Francois Tremble Ensign.—Thence to the Court house street in the city, to be one company—Joseph Campeau to be Captain, James Campeau Lieutenant, Jacob Smith Ensign.—Thence to the house of Cabacier to be one company—James Henry to be Captain, Joseph Wilkinson Lieutenant, James McClosky Ensign.—Thence to the river Rouge to be one company—Jacob Visger to be Captain, Whitmore Knaggs Lieutenant, Jean Baptiste Cicott Ensign.—Thence to the District of Erie to be one company—Jean Cissne to be Captain, Francois Chovin Lieutenant, John Dix Junior Ensign.

Christopher Tuttle to be Adjutant of the First Regiment,—William M^cCoskry Surgeon*—Gabriel Richard Chaplain.

The Commander in chief has also thought proper to make the following appointments for the Legionary Corps, viz.—Cavalry—James Lasselle to be Captain, Richard Smyth Lieutenant, Gabriel Godfroy Ju^r Cornet.—Artillery—John Williams to be Captain, James Dodemead Lieutenant, Henry J. Hunt Second Lieutenant.—Infantry—George Hoffman to be Captain, Benjamin Chittenden Lieutenant, John Meldrum Ensign.—Riflemen—William M^cDowell Scott to be Captain, Barnabas Campeau Lieutenant, Pierre Navarre Ensign.

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*Samuel McCoskry was a Scotchman, who settled near Carlisle, Pa., sometime about the year 1760. He married Ruth Allen, a Quakeress, and this would seem to indicate that Samuel was born between the years 1730 and 1740. They had at least two children; one of them, Samuel Allen McCoskry, taking the middle name from that of his mother. The other son was Dr. William McCoskry.

Samuel Allen McCoskry was appointed First Lieutenant by Congress Oct. 20, 1777, in a company raised at Carlisle, Pa. He was appointed surgeon in the Artillery Artificers July 16, 1778, and was retired by Act of Congress of May 3, 1782. He was an original member of the order of Cincinnati. After the war, he practiced some time in Carlisle. His wife was Alison Nisbit, and they had eight children, two of whom died in infancy, and the others were Eliza, Charles, William, Mary, Samuel Allen, and Alison.

Samuel Allen McCoskry Jr. received an appointment in the Military Academy at West Point, and was a cadet in that institution. Two of his brothers, Charles and William, who had studied medicine were located at St. Augustine and both died with yellow fever. Their deaths, and the changes in the family resulting therefrom, necessitated the resignation of Samuel from his college course, and he did not graduate from that institution. He subsequently graduated from Dickinson college, Carlisle, and then studied with the intention of practicing law. Instead of being admitted to the bar, he entered the ministry. He was of much more than ordinary ability, and progressed very rapidly in his chosen profession. He received the appointment of rector of St. Peter's Church, Philadelphia, and was consecrated a bishop July 7, 1836. He came to Detroit soon after, as Bishop of Michigan. He married Eliza Lawrence Montgomerie, and their daughter, Mary Berrier McCoskry married Stephen K. Stanton of Detroit. Bishop McCoskry resigned in 1878, and went abroad, spending the remainder of his life in Europe, and dying in Germany. His daughter, Mrs. Stanton, died in New York, leaving one son, Samuel McCoskry Stanton, of Ann Arbor.

Dr. William McCoskry, the brother of Dr. Samuel Allen McCoskry, was also a physician and surgeon in the Revolutionary army, being surgeon mate in the same regiment with his brother, although only a mere boy at the time of his appointment, for it is said that he was born in 1763.

Upon the formation of the legionary army under General Anthony Wayne in 1792, William McCoskry was appointed surgeon mate in the second sub-legion, and followed the army in its slow progress of more than two years down the Ohio River and across the country to the Miami (Maumee) River, where, on August 20, 1794, the battle of Fallen Timbers was fought, and the Indians, for the first time, so badly defeated, that they were willing to recognize the power of the government of the United States. The Treaty of Greenville was signed the following year, and a year later, 1796, McCoskry accompanied Wayne and the army to Detroit, where he remained a surgeon in the army for some time. He resigned his position as surgeon in 1803, and took up the practice of medicine on his private account. He married Felicite Chamberlain, September 21, 1814. They lived in a house on the corner of Woodbridge and Randolph Streets, opposite the Steamboat or Woodworth's Tavern, then the best part of the City of Detroit, and here he died on May 16th, 1831, leaving his wife, Felicite, one daughter, Caroline, and a son, Alfred.—C. M. B.

All the officers of the First Regiment, and of the Legionary Corps, and all male inhabitants between the ages of fourteen and fifty, liable to do military duty, residing in the District of Detroit, will assemble on Monday, the twenty third instant, at nine of the clock in the forenoon, on the Common north of the ruins of the old town of Detroit, for the purpose of being enrolled.—Such men as shall have enlisted in any of the companies of the Legionary Corps, will be formed under [the di]rection of their respective officers. And the Colonel of the First Regiment will direct his Captains, or commanding officers of companies, to take the charge of those belonging to their respective divisions.

The Colonel of the First Regiment, and the Lieutenant Colonel Commandant of the Legionary Corps, will cause the commissions of the officers to be read at the head of the companies.

The Commander in chief expects the officers of all ranks will exert themselves punctually to bring on the Common all the men in their respective divisions.—Colonel Woodward and Lieutenant Colonel Brush, will previously direct a meeting of the officers, and fully explain to them the object of the meeting.—The Commander in chief, in commencing the organization and discipline of the militia, calls on the officers of every description to exert all their talents and influence to aid him in the important work. He feels the fullest confidence in the purity of their motives, and hopes to see the most patriotic principles evidenced by their conduct.—When it is considered, that to the militia is committed the safety and protection of the country, every individual composing it, ought to feel a deep interest in its success, and view his station highly honorable and important.—Hereafter, this country is not to depend on garrisons and standing armies for its protection, but on the spirit and virtues of the owners of the soil. The Commander in chief, in the strongest language, invites his fellow citizens of the militia to render themselves worthy, by their conduct, the elevated station to which they are destined. Instead of frivolous amusements, employ your leisure hours in the manly exercise of arms. Evince to your country, you are worthy of being the proprietors of the fertile and pleasant soil you inhabit. Every consideration of honor and interest urge you to exert your talents to prepare for the important objects for which the militia is instituted. These

objects are, the safety of yourselves, your wives and children, and the protection of the soil on which you dwell.—If your own lives, the lives of your families, and the soil on which you live, are dear to you, it is impossible you should not be disposed to protect them—you are unworthy the blessings the God of nature has granted to you, if you do not possess the spirit to protect and defend them.— It is degrading to freemen to rest their safety on any other arm than their own. It is by your conduct alone you will be able to prove yourselves worthy the honorable appellation of Defenders of your country.

Signed — — — William Hull.

Col. James May, Adj^{t} General.

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20. Head Quarters, Detroit,
20th Sept. 1805.

Lieutenant Christopher Tuttle, Adjutant of the First Regiment, is promoted to the rank of Captain, and will take command of the company made vacant by the resignation of James Henry.— Lieutenant Benjamin Chittenden is transferred from the Infantry company, to the said company in the First Regiment, in the place of Joseph Wilkinson resigned. James Peltier is appointed ensign of the said company, in the place of James McClosky resigned. Ensign John Meldrum is promoted to the rank of Lieutenant, and appointed Adjutant of the First Regiment, in the place of Lieutenant Christopher Tuttle, promoted.

William Hull.

Col. James May, Adj^{t} General.

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23. Headquarters, Detroit, 23^{d}
Sept. 1805.

The commissioned officers of the First Regiment, and of the Legionary Corps, will assemble on the little square, north of the Fort, which is hereafter to be considered as the Grand Parade, on Friday, the twenty seventh instant, at ten o'Clock in the forenoon, for the purpose of exercise. They will be under the command of the senior officer present, who will instruct them in the exercise of arms.— The companies in the First Regiment, and in the Legionary Corps, will assemble on their company parades, armed and equipped as the law directs, on Tuesday, the first day of October next, for the purpose of exercise.

The field officers will inspect their respective companies on that day.— On Wednesday, the second day of October next, all the companies of the First Regiment, and of the Legionary Corps, will assemble on the grand parade, at Detroit, north of the Fort, for the purpose of discipline. They will receive their orders on the ground. The captains will cause all the non-commissioned officers and soldiers of their respective companies to be notified of this order, according to law.

Signed, — — — William Hull.

Col. James May, Adjutant
General of the militia of
the Territory of Michigan.

27.

Head Quarters, Detroit,
27th Sept. 1805.

In conformity to a law of the Territory of Michigan, the Commander in chief directs the following Uniforms for the officers and soldiers of the militia of said Territory.

1. Major Generals — A dark blue coat, faced with buff, and buff cape, yellow buttons and linings, two yellow epaulettes, with two white stars on each, and buff vest and breeches, a black cocked hat, with a black rose cockade, and white and red plumes.

2. Brigadier Generals. — The same as a Major General, with this difference, one white star on each epaulette, and white and green plumes.

3. Adjutant General — The same as a Major General, with this difference, no stars on the epaulettes, and a white plume tipped with red.

4. Quarter Master General — The same as a Major General, with this difference, no stars on the epaulettes, and a white plume tipped with green.

5. Aides-de-camp to the Commander in chief — The same as a Major General, with this difference, no stars on the epaulettes, and black and white plumes.

6. Aides-de-camp to a Major General — The same as a Major General, with this difference, no stars on the epaulettes, and a black plume.

7. Brigade Major — The same as a Brigadier General, with this difference, no stars on the epaulettes, and a green plume.— All general officers, a blue cloak edged with red.

8. Field officers, Captains, and Subalterns of the First Regiment — A dark blue coat, long and faced with red, with a red cape, white buttons, and lining, white under cloathes, and silver epaulettes. The Colonel, Lieutenant Colonel and Major, two epaulettes. A Captain, an epaulette on the right shoulder, and a silver strap on the left. A Lieutenant, an epaulette on the left shoulder, and a silver strap on the right. An Ensign, an epaulette on the left shoulder, without any strap. The whole, a black plume tipped with red. The field officers, small swords; the Captains and Subalterns, hangers with white belts. The whole, long boots. The Field officers, suprs. The whole, red sashes. The Field officers, bear skin holsters, pistols, and blue cloaks edged with red.

9. The Regimental Quarter Master — with the rank and uniform of a Lieutenant. The Regimental Adjutant, with the same. The Surgeon, and Surgeon's Mate, long blue coats, edged with red, cocked hats, white feathers, white under cloathes, long boots, and dirks with white handles. The Chaplains, black coats and small cloathes, or black gowns, cocked hats, with rose cockades.

10. The Privates of Infantry — Long blue coats, or capots, white plain buttons, white under cloathes in summer, and white vests and blue pantaloons in winter, half boots, or gaiters, round black hats, black feathers tipped with red, cartridge belt and bayonet belt black. The length of the coat, or capot, will be precisely to the knee: it will be made so as to sit easy to the body, but so tight as to have a neat and soldierlike appearance. The Colonel of the Regiment will point out the particular form, and furnish a sample, so that the whole will be made similar to each other.

11. Officers of the second Regiment — Field officers, long blue coats, faced with white, white buttons and lining, two white epaulettes, cocked hats, with white feathers. The field officers will point out the uniform of the other officers of the Regiment. The uniform of the soldiers of the second Regiment, the same as of the first Regiment, with this difference, their coats, or capots, will be edged with white, and they will wear a white feather.

12. Field officers of the Legionary Corps — Blue coats, faced with buff, and buff capes, yellow buttons and epaulettes, buff lining, and buff vests and breeches, cocked hats, with rose cock-

ades, white feather tipped with red, long boots, silver spurs, and in the summer season they will wear white vests and breeches.

13. Cavalry — Red coats, turned up with black velvet, black capes, white vests, buckskin breeches, long boots, leather caps covered with bear skin, blue sash, and white feather.

14. Artillery — Blue coats, skirts turned up with red, red capes, cocked hats, and red feather; for the warm season, white vests and pantaloons, with black gaiters; for the cold season, blue pantaloons edged with red cord.

15. Light Infantry — short blue coats, faced with buff, buff capes, round hat, turned up on one side, black cockade and white feather; in the warm season, white vest and pantaloons, with black gaiters; in the cold season, blue pantaloons, edged with yellow cord.

16. Riflemen — Short green coats, turned up with buff, buff capes, round hats, black cockade and green feather; in the warm season, white vest and pantaloons, with black gaiters; in the cold season, green pantaloons, edged with buff cord.

17. The Commander in chief recommends to the officers and soldiers, to procure their uniforms as soon as possible, and directs that each officer and soldier appear in full uniform when on military duty of any kind, after the first day of June next, under the penalty annexed to disobedience of orders.

Signed, — — — William Hull.

Col. James May, Adjutant
General of the militia
of the Territory of Michigan.

1805 Sept. 27. A Commission of Captain, in the First Regiment of Militia of the Territory of Michigan, was issued to Jacob Visger, as follows.

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come.

Be it known, that reposing special trust and confidence in the patriotism, valor, fidelity and abilities of Jacob Visger, I have appointed him Captain in the first regiment of militia in the Territory of Michigan, to take rank from the third day of September, one thousand eight hundred and five. He is therefore carefully and dilligently to discharge the duty of Captain, by

doing and performing all manner of things thereunto belonging. And I do strictly charge and require all officers and soldiers under his command to be obedient to his orders as Captain. And he is to observe and follow such orders and directions from time to time, as he shall receive from the President of the United States of America, or the Governor of the territory of Michigan for the time being, or the general, or other superior officers set over him, according to law and military rule and discipline.— This commission to continue in force during the pleasure of the Governor of the Territory of Michigan, for the time being.— In testimony whereof, I have caused these letters to be made patent, and the seal of the Territory of Michigan to be thereunto affixed.

Given under my hand, at Detroit, this twenty third day of September one thousand eight hundred and five,—and the thirtieth year of the Independence of the United States of America.

L. S.

William Hull.

By the Governor,
Stanley Griswold, Sec^{y} of the Territory of Michigan.

Commissions, similar in tenor and form to that above recorded on this page, to Jacob Visger—mutatis mutandis—were issued on the twenty third day of September, one thousand eight hundred and five, to the following persons, appointing them to the ranks prefixed to their names.

Captains in the First Regiment — David Duncan, to take rank from the second day of September instant — George Cotterell, to take rank from the tenth day of the same — Louis Campeau, to take rank from the eleventh day of the same — James Henry, to take rank from the twelfth day of the same — Louis S^{t} Bernard, to take rank from the fifteenth day of the same — Joseph Cerre, dit S^{t} Jean, to take rank from the sixteenth day of the same — Joseph Campeau, to take rank from the eighteenth day of the same—Jean Cissne to take rank from the nineteenth day of the same month.

Lieutenants in the first Regiment — Samuel Abbott, to take rank from the third day of September instant — John Meldrum, to take rank from the fourth day of the same — Whitmore

Knaggs, to take rank from the ninth day of the same — Jean Marie Beaubien, to take rank from the tenth day of the same — Christian Clemens, to take rank from the twelfth day of the same — James Campeau, to take rank from the thirteenth day of the same — Thomas Tremble, to take rank from the fifteenth day of the same — Francois Chovin, to take rank from the sixteenth day of the same — Joseph Wilkinson, to take rank from the seventeenth day of the same — Charles Stewart, to take rank from the fourteenth day of the same month.

Ensigns in the first Regiment — Allen C. Wilmot, to take rank from the ninth day of September instant — George Cotterell Junr, to take rank from the tenth day of the same — Jean Baptiste Cicott, to take rank from the twelfth day of the same — James Connor, to take rank from the thirteenth day of the same — John Dix, to take rank from the fifteenth day of the same—Francois Rivard, to take rank from the sixteenth day of the same — Francois Tremble, to take rank from the seventeenth day of the same — John Ruland, to take rank from the nineteenth day of the same month.

Captains in the Legionary Corps — of Cavalry, James Laselle, to take rank from the fifth day of September instant — of Artillery, John Williams, to take rank from the sixth day of the same — of Light Infantry, George Hoffman, to take rank from the seventh day of the same — of Riflemen, William McDowell Scott, to take rank from the eighth day of the same month.

Lieutenants in the Legionary Corps — of Cavalry, Richard Smyth, to take rank from the fifth day of September instant — of Artillery, James Dodemead, to take rank from the sixth day of the same — of Light Infantry, Benjamin Chittenden, to take rank from the seventh day of the same — of Riflemen, Barnabas Campeau, to take rank from the eighth day of the same — Henry J. Hunt, second Lieutenant of Artillery, to take rank from the sixth day of the same month.

Ensigns in the Legionary Corps — of Light Infantry, George Meldrum, to take rank from the seventh day of September instant — of Riflemen, Pierre Navarre, to take rank from the eighth day of the same — of Cavalry, Gabriel Godfroy Junr to be Cornet, to take rank from fifth day of the same month.

28. A Commission of Justice of the Peace, for the district of Detroit, was issued to Peter Audrain, of the said district, dated the twenty eighth day of September, one thousand eight hundred and five — in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book — mutatis mutandis.

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29. Christopher Tuttle was promoted to be Captain in the First Regiment — James Peltier Jun^{r} to be Lieutenant — and John Burnett to be Ensign — and commissions to them respectively were issued on the twenty ninth day of September, one thousand eight hundred and five, — the first to take rank from the twelfth — the second from the seventeenth — and the third from the eighteenth of the same month.

1805 General Orders.

Sept. 29. Head Quarters, Detroit,
29. Sept. 1805.

The Commander in chief has thought proper to make the following divisions of the country, for the establishment of companies in the Second Regiment, (District of Erie,) and to make the following appointments.

Israel Ruland, Esquire,* is appointed Major of the Second Regiment, in the place of Lewis Bond, who has declined accepting that office.

The district of Miami river, to commence at the foot of the Rapids, to the entrance of Otter Creek, to constitute one company: Jean Baptiste Beaugrand to be Captain, Francois Deforgue Lieutenant, Joseph Cavalier Ensign.—From thence to the Miami Road, comprehending the whole of Otter Creek, to constitute one company: Prosper Thibeau to be Captain, Andrew Jourdan Lieutenant, Dominique Drouillard Ensign.—From thence to Francis Navarre's house, comprehending all below him to the mouth of River Raisin, to constitute one company:

*Israel Ruland was brought to Detroit as a prisoner during the war, and for a time confined, and then set upon the Belle Isle Park to raise provisions for the garrison. Finding that he was still partial to the Americans, he was again arrested, and confined on complaint of the commandant. On promises of good behavior, he was permitted to remain in the post, but he was always apparently faithful to the American cause.—C. M. B.

Joseph Menare to be Captain, James Navarre Lieutenant, Isidore Navarre Ensign.

The District of Huron, to commence at the river Huron, from thence to River Raisin, to the house of Andrew Lafleur, to constitute one company: Jean Baptiste Jeraume to be Captain, Jean Baptiste Coutier Lieutenant, Joseph Bourdeaux Ensign.—From thence up both sides the River Raisin, commencing at Andrew Lafleur's house, to the house of Jean Marie Bourdeaux, to constitute one company: Francois Laselle to be Captain, Jean Baptiste Laselle Lieutenant, James Knaggs Ensign.—From thence up both sides of the said river, to the house of Francois Boismie, to constitute one company: Hubert Lacroise to be Captain, Jacques Martin Lieutenant, Alexander Lorangay Ensign—From thence up both sides of said river, to the house of M^r^ Geo: Knaggs, to constitute one company: William Griffith to be Captain, Thomas Knaggs Lieutenant, Joseph Huntington Ensign.

Cavalry—Joseph Jobin to be Captain, Hyacinth Lajoy Lieutenant, —— —— Cornet.

Giles Barnes Adjutant—Alexander Ewings Quarter Master—Ethan Baldwin Surgeon—Bernard Parker Surgeon's Mate .

Signed, — — — William Hull.

Col. James May, Adj^t^ General of the militia of the Territory of Michigan.

Oct. 3.

Head Quarters, Detroit,
3^d^ October, 1805.

The company in the First Regiment, commanded by Captain Campeau, is divided into two companies. From the river Meloche, to the house of Joseph Campeau, including the same, to be one company: Joseph Campeau to be Captain, James Campeau Lieutenant, and to supply the place of Jacob Smith, resigned, James F. Griswold is appointed Ensign of said company, to take rank from the third day of October instant.—From thence to the middle of the Court house avenue in the town, will be formed one company: James Anderson is appointed Captain, to take rank from the first day of October instant; Conrad Seek Lieutenant, to take rank from the second day of October instant; John Ruland Ensign, to take rank from the nineteenth day of September last.

The company, commanded by Captain Cissne, is divided into two companies.—From the settlements of the River Rouge, to

the settlements of the River Ecorse, excluding the same, will form one company, under the command of the present officers of the company.—The settlements of the river Ecorse, including Gross Isle, will form the other company: Henry M^c^Vay is appointed Captain, to take rank from the second day of October instant; Charles M. Campeau Lieutenant, to take rank from the third day of October instant; Jacob Aeiler Ensign, to take rank from the second day of October instant.

The First Regiment being too extensive for one Adjutant to perform the whole duty, the Commander in chief has thought proper to promote Jean Baptiste Cicott to the rank of Lieutenant, and to appoint him Second Adjutant of the said First Regiment, to take rank from the first day of October instant.

It having been represented, that the officers cannot conveniently procure cocked hats, the Commander in chief so far dispenses with his former order, as to permit the Captains and Subalterns to wear round hats, with a handsome bear skin over the crown.

The Colonels and commanding officers of Regiments and Corps, will cause all the companies in their respective regiments and corps, to meet the last Saturday in every month, for the purpose of inspection and discipline, and will give their orders accordingly. The Colonels and commanding officers of regiments and corps, will call such meetings of their officers, as they may think necessary for the purpose of instructing them in the military exercise.

Signed, — — — William Hull.

Col. James May, Adjutant General of the Militia of the Territory of Michigan.

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4. A Commission of Justice of the Peace, for the District of Erie, was issued to George M^c^Dougall, of the said District, dated the fourth day of October, one thousand eight hundred and five —in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

Commissions, similar in tenor and form to that recorded on the thirty fourth page of this book, to Jacob Visger—mutatis mutandis—were issued on the fourth day of October, one thousand eight hundred and five, to the following persons.

Captains in the first regiment—James Anderson, to take rank from the fifth day of October instant—Henry M^cVay, to take rank from the second day of the same month.—Lieutenants in the same Regiment—John Ruland, to take rank from the nineteenth day of September last—Charles M. Campeau, to take rank from the third day of October instant—Jean Baptiste Cicott, Adjutant, with the rank of Lieutenant, to take rank from the first day of the same month.—Ensigns in the same regiment—James F. Griswold, to take rank from the third day of October instant—Jacob Aeiler, to take rank from the second day of the same month.

In the Second Regiment.—Captains—Joseph Jobin, to take rank from the twentieth day of September last—Jean Baptiste Beaugrand, to take rank from the twenty first day of the same—Francois Laselle, to take rank from the twenty second day of the same—Hubert Lacroix, to take rank from the twenty third day of the same—Jean Baptiste Jeraume, to take rank from the twenty fourth day of the same—Joseph Menare, to take rank from the twenty fifth day of the same—William Griffith, to take rank from the twenty sixth day of the same—Prosper Thibeau, to take rank from the twenty seventh day of the same month.

Lieutenants in the Second Regiment.—Hyacinth Lajoy, to take rank from the twentieth day of September last—Francois Defergue, to take rank from the twenty first day of September last—Jean Baptiste Laselle, to take rank from the twenty second day of the same—Jacques Martin, to take rank from the twenty third day of the same—Jean Baptiste Couteur, to take rank from the twenty fourth day of the same—Jacques Navarre, to take rank from the twenty fifth day of the same—Thomas Knaggs, to take rank from the twenty sixth day of the same—Andrew Jourdan, to take rank from the twenty seventh day of the same month.

Ensigns in the Second Regiment.—Joseph Cavalier, to take rank from the twenty first day of September last—James Knaggs, to take rank from the twenty second day of the same—Alexis Lorangy, to take rank from the twenty third day of the same—Joseph Bourdeaux, to take rank from the twenty fourth day of the same—Isidore Navarre, to take rank from the twenty fifth day of the same—Joseph Huntington to take rank

from the twenty sixth day of the same—Dominique Druillard, to take rank from the twenty seventh day of the same month.—Samuel More, to take rank as Cornet of Cavalry, from the twentieth day of September last.—Giles Barnes to take rank as Adjutant of the Second Regiment, from the twenty first day of the same month.—Alexander Ewings, to take rank, as Quarter Master of said regiment, from the twenty first day of the same month.—Ethan Baldwin, as Surgeon, to take rank from the twenty first day of the same month.

Israel Ruland, Esquire, was appointed Major of the Second Regiment of militia of the Territory of Michigan, to take rank from the second day of September, one thousand eight hundred and five; and a commission was to him issued, dated the fourth day of October in the same year—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

1805

Oct. 5. General Orders.

Head Quarters, Detroit,
5. October, 1805.

Captain Duncan's company, at Michilimackinac, is detached from the First Regiment, and is divided into two companies. The first company to consist of all those liable to do military duty, who reside in the village above the street that separates M^{r} Cameron's from M^{r} Frank's property. And the second company to consist of all those liable to do military duty, who reside below, including those of the northeast village.

Lieutenant Samuel Abbott is promoted to the rank of Captain, and will command the first company. Allen C. Wilmot is promoted to the rank of Lieutenant, and attached to Captain Abbott's company. Daniel Daly is appointed Ensign in Captain Abbott's company.—Germaine Pothier is appointed Captain of the second company, Michael Dousman Lieutenant, and Patrick M^{c}Gulpin Ensign.

Captain David Duncan is promoted to the rank of Lieutenant

Colonel, and will take the command of the two companies.

Signed, — — — — William Hull.

Col. James May, Adjutant General, of the militia of Michigan Territory.

Commissions, similar in tenor and form to that recorded on the thirty fourth page of this book, to Jacob Visger—mutatis mutandis—were issued on the fifth day of October, one thousand eight hundred and five, to the following persons.—

In the detached Corps at Michilimackinac,— Captains, Samuel Abbott, to take rank from the 5th day of October instant—Germaine Pothier, to take rank from the sixth day of the same month.—Lieutenants, Allen C. Wilmot, to take rank from the fifth day of October instant—Michael Dousman, to take rank from the sixth day of the same month.—Ensigns, Daniel Daly, to take rank from the fifth day of October instant—Patrick Mc Gulpin, to take rank from the sixth day of the same month.

David Duncan, Esquire, was appointed Lieutenant Colonel of the detached corps of militia in the Territory of Michigan, at Michilimackinac, to take rank from the fifth day of October, one thousand eight hundred and five; and a commission was to him issued, dated the same day—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

A Commission of Notary Public, for the District of Michilimackinac, was issued to Samuel Abbott, of the said district, dated the fifth day of October, one thousand eight hundred and five—in tenor and form similar to the commission of Abraham F. Hull, recorded on the twenty second page of this book—mutatis mutandis.

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6. An Act of the Governor, dividing the Territory of Michigan into highway and road Districts—and appointing Supervisors of the same.

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come.

Be it known that by virtue of an act of the Territory aforesaid, passed on the eighteenth day of September, one thousand eight hundred and five, entitled "An Act concerning highways and roads," I the said William Hull, by these presents, do divide the Territory of Michigan into the following road Districts.

The District of Erie, and the permanent highways, and temporary and existing roads in the same, to be a District, which shall be known by the name of the First District.—John Anderson, Esquire, is appointed Supervisor of the said First District.

The country from the river Huron to Spring Hill, one hundred rods south of Matthew Ernest's Esquire, and the permanent highways, and temporary and existing roads in the same, to be a District, which shall be known by the name of the Second District.—Captain John Cissne is appointed Supervisor of the said Second District.

The country north of Spring Hill, and beginning one hundred rods south of Matthew Ernest's house, to the head of Grand Marais, with the permanent highways, and temporary and existing roads in the same, to be one District, which shall be known by the name of the Third District.—James May, Esquire, is appointed Supervisor of the said Third District.

All the country from the head of Grand Marais, to Mill Creek, with the permanent highways, and temporary and existing roads in the same, to be one District, which shall be known by the name of the Fourth District.—M^{r} Charles Rivard is appointed supervisor of the said Fourth District.

All the country from Mill Creek, and north of the same, to within one mile south of Bull river, with the permanent highways, and temporary and existing roads in the same, to be one District, which shall be known by the name of the Fifth District.—Captain Louis Campeau is appointed Supervisor of the said Fifth District.

All the country from one mile south of Bull river, to the northward, bounding on the river S^{t} Clair and lake Huron, with the permanent highways, and temporary and existing roads in the same, to be one District, which shall be known by the name of the Sixth District.—George Cotterell, Esquire, is appointed Supervisor of the said Sixth District.

The Island of Michilimackinac, with the permanent highways, and temporary and existing roads in the same, to be one District,

which shall be known by the name of the Seventh District.—Samuel Abbott, Esquire, is appointed Supervisor of the said Seventh District.

And by virtue of the act aforesaid, I the said William Hull, do by these presents direct and empower the Supervisor of the Fifth District, to cause to be laid out and opened according to law, two permanent public roads, avenues, or highways, one leading from the river Detroit, beginning at the southeast corner of the house, or store, of James Abbott, in the district of Detroit, extending on the course north, sixty degrees east, one hundred and twenty feet, from the breadth thereof; and extending from the river Detroit, at the distance of four hundred feet from the said house of James Abbott, on the course north, thirty degrees west, and on the said breadth one hundred and twenty feet, for the length of six miles.—The other road, avenue, or highway, commencing at the most northern corner of the house of Charles Curry, in the District of Detroit, distant three hundred and fifty feet from the said corner of the house of James Abbott, extending on the course north, thirty degrees west, one hundred and twenty feet for the breadth thereof, and extending south, thirty degrees west, until it intersects the river Detroit, and extending north, sixty degrees east, of the same breadth, on the same breadth, one mile from the place of beginning.

Given under my hand, at Detroit, this sixth day of October, in the year of our Lord, one thousand eight hundred and five.

L. S.

William Hull.

By the Governor,
Stanley Griswold, Sec^{y} of Michigan Ter.^{y}

1805

Oct. 7. A Commission of Supervisor of highways and roads, for the First District, was issued on the seventh day of October, one thousand eight hundred and five, to John Anderson, as follows below.—And on the same day, similar commissions—mutatis mutandis—were issued to John Cissne for the Second District—to James May for the Third District—to Charles Rivard for the Fourth District—to Louis Campeau for the Fifth District—to George Cotterell for the Sixth District—and to Samuel Abbott for the Seventh District.

Territory of Michigan, to wit:

William Hull, Governor of the Territory of Michigan, to all to whom these presents shall come.

Be it known, that reposing special trust and confidence in the patriotism, integrity, diligence and knowledge of John Anderson, Esquire, I have appointed him Supervisor of the First District. He is therefore carefully and diligently to discharge the duty of Supervisor, by doing and performing all manner of things thereunto belonging, according to law. And I do strictly charge and require all the inhabitants within the said district, obliged by law to work on the highways, to be obedient to his orders as superior.—This commission to continue in force during the pleasure of the Governor of the Territory of Michigan for the time being.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Territory of Michigan to be thereunto affixed.

L. S.

Given under my hand, at Detroit, this seventh day of October, one thousand eight hundred and five, and the thirtieth year of the Independence of the United States of America.

William Hull.

By the Governor,
Stanley Griswold,
Sec^{y} of the Ter^{y} of Michigan.

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9 General Orders.

Head Quarters, Detroit,
9th October, 1805.

The two companies, commanded by George Cotterell, and Louis Campeau, are detached from the first Regiment. They will be divided so as to form four companies; which four companies will be formed into a Batallion, to be commanded by a Lieutenant Colonel and one Major.—George Cotterell, Esquire, is appointed Lieutenant Colonel, and Louis Campeau Major.

According to a law concerning the Territory of Michigan, the Commander in chief has thought proper to make the following arrangement—The First Regiment, and the Legionary Corps will

form a Brigade, to be considered as the First Brigade.—The Second Regiment, Lieutenant Colonel Cotterell's Batallion, and Lieutenant Colonel Duncan's Corps, will form the Second Brigade. The two Brigades are hereby formed into a Division.

Peter E. Visger is appointed Ensign in Captain Visger's company, of the first regiment, in the place of Ensign Cicott, promoted.

Signed, — — William Hull.

Col. James May, Adj^{t} Gen.

THE EXECUTIVE PROCEEDINGS OF STANLEY GRISWOLD, ACTING AS GOVERNOR OF THE TERRITORY OF MICHIGAN, IN THE ABSENCE OF GOVERNOR HULL, FROM THE TENTH DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIVE.

1805 Oct. 13. By Stanley Griswold, acting as Governor of the Territory of Michigan,

A Proclamation.

Whereas, in the first instance of the absence of the Governor of the Territory of Michigan, from the Territory, it has been suggested that many of the citizens, and others concerned, might not be apprized of the existence of an Executive authority in said Territory during the Governor's absence, and that inconveniences might consequently result both to the Public and to individuals; it is thought proper, that a section of the Act of Congress, passed the seventh day of August, one thousand seven hundred and eighty nine, should be made known, which Act is expressly referred to in the Act of the eleventh of January, one thousand eight hundred and five, establishing the Territory of Michigan—which section is in the words following, viz.

> "Sec. 2. And be it further enacted, that in case of the death, removal, resignation, or necessary absence of the Governor of the said Territory, the Secretary thereof shall be, and he is hereby authorized and required to execute all the powers, and perform all the duties of the Governor, during the vacancy occasioned by the removal, resignation, or necessary absence of the Governor."

Be it known, therefore, that his Excellency William Hull, being at the present time necessarily absent from the Territory of Michigan, the duties of Governor of the said Territory, Commander in chief of its militia, and Superintendent of Indian affairs, with all other powers and duties particularly assigned to the Executive by the laws of the Territory, will be executed and performed by the Secretary of the said Territory, until the return of the Governor.—All persons are warned accordingly—and everyone, having any thing to transact with the Executive, in either of the forementioned departments, will apply to the Secretary aforesaid.

Given under my hand, and the seal of the Territory of Michigan, at Detroit, the thirteenth day of October, one thousand eight hundred and five—and the thirtieth year of the Independence of the United States of America.

L. S.

Stanley Griswold.

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20. A Dedimus potestatem was issued to Daniel Daly of Michilimackinac, as follows.

Territory of Michigan, to wit:

Stanley Griswold, acting as Governor of the Territory of Michigan, to all to whom these presents shall come.

Be it known, that reposing special trust and confidence in the fidelity, knowledge and circumspection of Daniel Daly, of the District of Michilimackinac, in the Territory of Michigan, I do by these presents grant to him the power to fill forty blank licenses for, and to take and receive bonds according to law from, such persons as he shall judge suitable to go into the Indian country, to trade with the Indians—to superintend the conduct of such traders, to take evidence of all breaches of the laws of the United States regulating trade and intercourse with the Indian nations, and report the same to the Governor, or person acting as Governor of the Territory of Michigan for the time being.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Territory of Michigan to be thereunto affixed.

L. S.

Given under my hand, at Detroit, in the Territory of Michigan, the twentieth day of October, one thousand eight hundred and five.—and the thirtieth year of the Independence of the United States of America.

Stanley Griswold,
acting as Governor of the Territory of Michigan.

1805 Nov. 9. George Cotterell, Esquire, was appointed Lieutenant Colonel in the militia of the Territory of Michigan, to take rank from the first day of November, one thousand eight hundred and five; —and a Commission was to him issued, dated the ninth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

Louis Campeau, Esquire, was appointed Major in the militia of the Territory of Michigan, to take rank from the first day of November, one thousand eight hundred and five;—and a commission was to him issued, dated the ninth day of the same month—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

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12. General Orders.

Head Quarters, Detroit,
12. Nov^{r} 1805.

The acting Commander in chief of the militia of the Territory of Michigan, has thought proper to order, that the officers and soldiers of the First Regiment, and of the Legionary Corps, respectively, appear on the grand Parade, north of the Fort, on Friday, the fifteenth of November instant, at ten o'Clock in the forenoon, equipped with their arms and accoutrements, according to law, for the purpose of military exercise and inspection, and to receive further orders on the ground. The officers will take measures forthwith to notify the non-commissioned officers and soldiers under their respective commands, agreeably to law and military rule. And it is expected that both officers and soldiers will yield a prompt compliance, as the review must

be thorough and real, and all delinquents will be dealt with as the law directs.

The acting Commander in chief likewise orders, that the officers and soldiers of the Second Regiment of said militia, appear on their usual grand parade, on the twenty sixth day of November instant, for the same purposes as are expressed above in relation to the First Regiment and Legionary Corps. Colonel John Anderson will receive and inspect said Second Regiment, with Colonel George McDougall, as Aid to the Commander in chief.

Signed,—Stanley Griswold.
Acting as Governor of Michigan Territory.

Col. James May, Adjutant General.

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15 Head Quarters, Detroit, 15.
November 1805.

The acting Commander in chief is desirous, on the one hand, not to conceal from his fellow citizens any thing which concerns their safety,—nor on the other, to excite needless alarm. He informs the troops now assembled, that the current rumors respecting hostile intentions on the part of the Indians, are doubtless in a great measure premature and groundless;—yet sufficient cause exists for active vigilance and effective preparation on the part of the citizens of this Territory. Though a great majority of the Indians in our vicinity are believed to be peaceably disposed, and averse from a rupture with the United States, still it is apprehended that a spirit of discontent, if not of war, prevails among some tribes near the Mississippi, and that attempts have been made, and are making by them, to rouse their brethren near us, to join in hostilities.—What the effect of these solicitations may be, or how far the fruits of a hostile spirit at the westward may extend towards us, it is impossible to determine. And from the known caution of savages, it is often difficult to ascertain when danger is even at the doors.

The only sure method, at all times, to secure our tranquility, is to be ready for defence. This can never be out of season, nor safely neglected:—but more particularly when the slightest grounds for apprehension exist, from a people like those now in question, it is our duty instantly to place ourselves in the best possible condition to prevent surprize, resist assault, and

hold in awe those who prowl around us for mischief. To pursue a contrary course, might be attended with the most fatal consequences:—to be dormant and inactive—to have our arms and accoutrements unfit for use—to be destitute of ammunition, and listless to discipline—might bring on us sudden destruction, and that without remedy.—This is the method to invite danger, which otherwise would not have approached, to encourage bold enterprize in the Indians, and to expose ourselves to massacres and devastations, which by a different course might have been averted.

It is far from the wish of the government of this Territory, or of the United States, to be at enmity with any nation under heaven. Peace is our motto:—and we have a particular desire to be on terms of perpetual friendship with all the Indian tribes. Nothing will be done, with the consent of the government, which shall have the smallest tendency to disturb existing harmony. We disclaim every offensive measure;—all our measures will be strictly defensive, and such as every people, situated as we are, indispensibly owe to their own safety. These we have a right to adopt; and it is believed every citizen will feel an interest sufficient to animate him to exertion, that the country may be placed in the best posture of defence, its circumstances admit.—To say nothing of patriotism and duty, call to mind those scenes of horror, formerly acted on this theatre, and frequently in frontier exposures. Preparation will save you from their repetition, at a small expence,—while negligence may cost you the sacrifice of enjoyments, not to be estimated, and which could never be restored.

With these impressions, the acting Commander in chief has deemed it adviseable to require at this time a critical inspection of the arms and equipments, possessed by the First Regiment, and by the Legionary Corps; and has appointed the Lieutenant Colonel Commandant of each, with their Majors, as Inspectors, to perform that service, and make returns.—So far as deficiencies shall be found, it is ordered that all practicable repairs be made, or supplies obtained, without delay,—and that all the arms be kept clean, and fit for use on the shortest warning.

As further preparation and means of defence, it is ordered, that each man in the First Regiment and Legionary Corps, forthwith supply himself with half a pound of powder—one

pound of balls, suited to the calibre of his musket—two good flints—a priming wire, and brush, screwdriver, and wormer. Which ammunition and equipments he is to keep constantly in his possession, in good order, and is to bring them upon parade at every muster.

Should exigences demand any further measures of defence, they will not fail to be made known and ordered with promptness, for the satisfaction and security of the citizens.

Signed — — Stanley Griswold,
Acting as Governor of Michigan Territory.

Col. James May, Adj.t General, to publish at the head of the First Brigade.

Orders, similar to the last preceding—mutatis mutandis—were issued for the Second Regiment, to muster on the twenty sixth day of the same month.

Dec. 10. Head Quarters, Detroit,
10. December, 1805.

The acting Commander in Chief has thought proper to order, that the divisional line between the companies commanded by Captain Joseph Campeau and Captain James Anderson, shall no longer be at the house of Captain Joseph Campeau, but at the house of Lieutenant Colonel Brush, including the same in Captain Anderson's company.

Signed,—Stanley Griswold,
Acting as Govr of the Territory of Michigan.

To Col. James May, Adjt General of the militia of Michigan Territory.

Commissions, similar in tenor and form to that recorded on the thirty fourth page of this book, to Jacob Visger—mutatis mutandis—were issued on the tenth day of December, one thousand eight hundred and five, to the following persons, viz.

Conrad Seek, as Lieutenant in the first Regiment, to take rank from the nineteenth day of September last. John Ruland, as Ensign in the said First Regiment, to take rank from the same day—Peter E. Visger, as Ensign in the said First Regiment, to take rank from the ninth day of October last.

CERTIFICATE.

The foregoing are all the Acts and proceedings of the Executive of the Territory of Michigan, from the first day of July, one thousand eight hundred and five, to the first day of January, one thousand eight hundred and six,—and are true copies from the Book of Executive Records, in my office.

Attest,

Stanley Griswold,

Secretary of Michigan Territory.

A. B. WOODWARD TO JAMES MADISON.

[Original in Washington, Dept. of State, Bureau of Rolls and Library.]

Washington, march 14 1806.

By an act of Congress of May the eighth one thousand and seven hundred ninety two, laws of the United States volume two, page one hundred twenty five, the Secretary of State is to have printed certain laws, and to distribute ten sets of other laws.

By the act of january the eleventh, one thousand eight hundred five, laws of the United States volume seven, page two hundred forty one, a *government* is established *in all respects* similar to that to which the first law related.

1. *Does the provision of the first law give authority to the Secretary of State, and render it his duty, to cause the laws of the Territory of Michigan to be printed, and to distribute to that Territory ten sets of the laws of the United States?*

2 The second section of the law first referred to has been construed by the Territorial Government to extend to Michigan, and hence a *repealing* law appears in their code as a law *made,* and not as a law *adopted;* and after any part of an act has been *repealed,* the same law, under this power, proceeds to render the remainder of the act consistent with itself.

3. *Does the fifth section of the same law render it the duty of the Secretary of State to supply the seals of the Territory of Michigan?*

4. The Territorial Government has construed the third section of the same law to apply to this Territory, and the Supreme Court of the Territory has construed the fourth section to be applicable, under the third section of the second law referred to, as without it a *judge,* as an

officer, would not have the *same powers* in the one Territory, as in the other.

The intermediate statute will be found in the laws of the United States, volume five, page one hundred thirty nine.

A. B. Woodward.

[Endorsed.]

The hon. james madison Secretary of state.

A. B. WOODWARD TO THE SECRETARY OF STATE.

[Original in Bureau of Rolls and Library, Washington.]

Detroit, Sept. 4. 1806.

Mr. Wagner's letter of the 9. of august I had the pleasure to receive. The mail to Pittsburgh is very large, and I believe no inconvenience would result from the transmission of the package for me by mail.

I have to acknowledge the reception of the Acts of Congress, for which I am very grateful.

I am very sorry our own laws are not here.

Will M^r^. Wagner do me the honor to favor me with a line on this subject?

Nothing can exceed the tranquility, spirits, and public satisfaction of this country.

My sincere respects await the Secretary of State.

A. B. Woodward.

[Endorsed.]

The hon. the Secretary of State of the United States, Washington.

LETTER FROM STANLEY GRISWOLD TO PETER AUDRAIN.

[From Secretary of State's office, Lansing, Vol. 1, Executive Correspondence.]

Detroit 29 Oct'r 1806

Sir,

I have the honor to transmit for settlement at the Legislative Board my account of expenditures from the Contingent Fund agreeably to the

Resolution of the Board, communicated through you, and received by me on the 27th instant. As soon as the honorable Board will let me know the result of their adjustment, I will do myself the pleasure to attend for finally closing the accompt.

I am respectfully,

Sir,

Your most obed't serv't

Stanley Griswold.

Peter Audrain, Esq.

Endorsed
letter of Stanley Griswold
29th Oct. 1806,

Addressed
Peter Audrain Esquire
Secretary of the Legislative Board
Detroit
rec'd 30th Oct. 1806.

[Originals in Bureau of Rolls and Library, Dept. of State, Washington.]

RECORDS

Of the Acts and Proceedings

of the Executive

of the Territory of Michigan,

for the half-year commencing

on the 1st of July 1807,

and ending the 1st of January 1808.

1807 July 11. A Commission of Justice of the Peace, for the district of Erie, was issued to Charles Francois Girardin, of the said district, dated the eleventh day of July, one thousand eight hundred and seven,—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book—mutatis mutandis.

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16. A Commission of Associate Judge of the Court for the District of Michilimackinac, was issued to Samuel Abbott, Esquire, of the said district, dated the sixteenth day of July, one thousand eight hundred and seven,—in tenor and form similar to the commission of James Henry, recorded on the eighty fifth page of this book—mutatis mutandis.

A Commission of Associate Judge of the Court for the district of Michilimackinac, was issued to Robert Campbell, Esquire, of the said district, dated the sixteenth day of July, one thousand eight hundred and seven,—in tenor and form similar to the commission of James Henry, recorded on the eighty fifth page of this book—mutatis mutandis.

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20. On the twentieth day of July, one thousand eight hundred an seven, the following communication was received from the Governor by the Secretary,—to wit—

Detroit 20th July 1807.

To the Secretary of the Territory of Michigan

James Abbott is removed from his office as Justice of the peace for the District of Detroit—Likewise from his office as Major of the Legionary Corps—Likewise from his office of Lieutenant Colonel by Brevet. Of this you will give him notice, and enter the same on the Executive Records.—I am your most obedt servant.

William Hull, Governor
of the Territory of Michigan.

On the same day as last before mentioned, was received the following communication,—to wit—

Detroit 20th July 1807.

To the Secretary of the Territory of Michigan.

Sir, In the commissions of Auctioneers I believe the limitation is not specified—the tenor of them is during the pleasure of the Governor for the time being. You will please to signify to all the Auctioneers, that their commissions will only continue in force one year, and those desirous of continuing, will apply for reappointments.

I am your most obedt servant,

William Hull, Govr
of the Territory of Michigan.

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22. A Commission was issued to James May, of the district of Detroit, appointing him an Auctioneer for said district, for the term of one year, dated the twenty second day of July, one thousand eight hundred and seven.

1807 July 24. On the twenty fourth day of July, one thousand eight hundred and seven, the Governor received the following communication from James Abbott, Esquire,—to wit—

Detroit 24th July 1807.

Sir,

Having received through the Secretary of the Territory, a copy of your Note of the 20th instant, removing me from the office of Major of the Legionary Corps, and of Lieutenant Colonel by Brevet,—finding no cause specified for so doing, and conscious that none exists to justify your proceeding,—I demand the privilege of a soldier and man of honor, an enquiry into my conduct by my fellow officers. I claim it from uniform precedent and from reason, that the truth may be known, and that I may not suffer without just cause.

I am with due respect,

Your Excellency's most obedt servant

James Abbott.

His Excellency Govr Hull.

To the foregoing communication from James Abbott Esquire, no reply was made, and no Court of Enquiry allowed.

25. General Orders.

Head Quarters at Detroit, July 25th 1807.

The Militia is designed for the safety and defence of the people of the country. It is their duty at all times to be prepared for this important service. The Commander in chief directs, that the several companies of Militia in the first and second Regiments, the Legionary Corps and the Batallion now commanded by Major Campau, meet on their company parades, on Saturday the first day of August next, at ten of the clock in the forenoon, for the purpose of exercise. They will appear armed, equipped and provided with ammunition according to law.

The commanding officers of Regiments and Corps will cause accurate returns to be made to the Adjutant General, on or before the sixth day of August next, of the exact state of the arms, equipments and ammunition. The Cavalry and Artillery are included in this order.

If any men are unable to procure arms, the Captains may apply to Colonel M^{c}Dougall, Quarter Master General, and they will be supplied.

As it is at all times necessary that signals should be established, the Commander in chief directs, that *three cannon fired from the Fort* shall be the signal of an alarm, and the companies will immediately repair to their company parades, where they will wait for orders. Where it is practicable, a field officer will attend and review each company on the first day of August next.

This order will be read at the head of each company, both in French and English.

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30. Jean Marie Beaubien, Esquire, was appointed Lieutenant Colonel, Commandant of the Batallion on the rivers S^{t} Clair and Huron, and a commission was to him issued on the thirtieth day of July, one thousand eight hundred and seven,—in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

1807 July 31. On the thirty first day of July, one thousand eight hundred and seven, the Governor transmitted the following communication to the Secretary of the Territory,—to wit—

Detroit 31st July 1807.

To Stanley Griswold, Esqr
Secretary of the Territory
of Michigan.

Sir,

You will inform Aaron Greely, that he is removed from the office of Register of the city of Detroit, and he will immediately deliver the Records and all the papers relating to that office, and likewise all the Journals, Books and Papers belonging to the Legislature, to George McDougall, Esqr.

I am your most obedient servent,

William Hull.

Commissions, similar in tenor and form to that recorded on the thirty fourth page of this book, to Jacob Visger—mutatis mutandis—were issued on the thirty first day of July, one thousand eight hundred and seven, to—Thomas Knaggs to be Captain,—and Martin Nadou and Joseph Robert to be Ensigns,—all in the second Regiment of Militia.

August 3. William McDowell Scott, Esquire, was commissioned Major by Brevet, of the Legionary Corps, and his commission was dated the third day of August, one thousand eight hundred and seven, —in tenor and form similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

A Commission was issued to John Palmer, to be Ensign of the company of Riflemen in the Legionary Corps, dated the third day of August, one thousand eight hundred and seven,—in tenor and form similar to the commission of Jacob Visger, recorded on the thirty fourth page of this book—mutatis mutandis.

John Whipple, Esquire, was commissioned Major of the Legionary Corps on the third day of August one thousand eight

hundred and seven,—and his commission was similar in tenor and form to that of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

General Orders.

Head Quarters at Detroit, August 3^{d} 1807.

The Militia of this Territory will hold themselves in readiness for the public defence at a moment's warning. They will immediately be armed and equipped according to law. Arms can be supplied to those who are destitute and unable to furnish themselves. No man can therefore have an excuse for not being armed.

The commanding officers of companies will be responsible for the exact execution of this order.

The Legionary Corps and all the companies of the first Rigiment, between Campau's and Visgar's, including those two companies, will parade at Detroit on thursday next, at three of the clock in the afternoon, for the purpose of exercise and an examination of their arms and equipments.

The other companies of the first Regiment will meet at the same time on their company parades for the same purpose. An exact report will be made by the commanding officer of the first Regiment and Legionary Corps, of the state of the arms and equipments, to the Adjutant General.

Head Quarters at Detroit August 4th 1807.

4 The four centre companies of the first Regiment and the Legionary Corps, will each furnish one Captain, two subalterns, and fifty men, to be employed in building the stockade tomorrow. They will appear on the military square at 8 o'clock in the morning, with as many spades, axes and other necessary tools as possible. Major Whipple will superintend the work.

Commissions, similar in tenor and form to that recorded on the thirty fourth page of this book to Jacob Visger—mutatis mutandis—were issued on the fourth day of August, one thousand eight hundred and seven, to—Harris Hampden Hickman to

be Captain,—John Watson to be Lieutenant,—and John Connor to be Ensign, all of the Light Infantry company in the Legionary Corps.—And to Abijah Hull to be Adjutant of said Corps.

On the fourth day of August, one thousand eight hundred and seven, a Commission of Register of the City of Detroit was issued to George M^{c}Dougall, of said city.

1807 General Orders
Aug. 5.

Detroit, August 5th 1807.

The orders for the first Regiment and Legionary Corps to parade tomorrow, are countermanded. They will appear at Detroit next Sunday morning at seven O'clock, armed and equipped according to law.

Details for work tomorrow.

	Captains.	Subalterns.	Sergeants.	Privates.
First Regiment	1	2	4	50
Legionary Corps	1	2	4	50

In future, the companies of the first Regiment will receive the orders immediately from Colonel May the Adjutant General. Until further orders, the commanding officers of Regiments and Corps are authorised to order out for exercise the whole or any part of their commands, when they deem it expedient.

On friday next the whole of Captain S^{t} Jean's company, with the officers, will appear at Detroit to work on the stockade, at 8 O'clock in the morning, with spades, axes etc. And on Saturday Captains Cissne's company will appear at the same hour and place. And on Monday next Captain S^{t} Bernard's company, and on Tuesday Captain Drouillard's.

After tomorrow, the four centre companies of the first Regiment and the Legionary Corps, will furnish every day, excepting Sundays, one officer and twenty men each, to work on the fortifications.

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6 Detroit August 6th 1807.

Until further orders, a guard for the purpose of protecting and reconnoitering will be established. It will be kept in the Indian Council room, and consist of a subaltern, Serjeant, Cor-

poral, and twelve privates.—The Legionary Corps will furnish the guard this night, and the three following nights. After which the four centre companies of the first Regiment, four nights, and so alternately. They will assemble at the guard-house at dusk, and be dismissed at sunrise.

The Corps which furnishes the guard, will furnish the Captain, whose duty it will be to visit the guard in the night, to see that they are vigilant, and give them such orders with respect to patroling and their duty, as he may think proper, or as he may receive from the Commander in Chief.

The officer of the guard will every morning make a report to the officer of the day, and it will be his duty to report the state of the guard and any occurrance to the Commander in Chief.

In case of an alarm in future, all the companies in town will immediately be formed at the intersection of the streets at Curry's corner.

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7. Head Quarters at Detroit Aug^{t} 7.

Whereas it is provided in the act concerning the Militia of the Territory of Michigan, that the Commander in chief may, in case of invasion, insurrection, or other occurrence, when he shall judge it necessary, order out any proportion of the Militia, and when so ordered out, they shall be subject to his orders, or the orders of such military officer, or officers, as he shall appoint to command them.

And whereas occurrences have taken place, which in his opinion render it necessary at the present time, it is therefore ordered, that the commanding officer of the first Regiment detach from his regiment, four serjeants and fifty privates to be commanded by such officers as shall be appointed. They will continue in actual service for one month, unless sooner discharged.

The militia when called into actual service, are entitled to the same pay and rations, as the troops of the United States. They will provide themselves with arms and ammunition according to law.

The commanding officer of the Regiment will direct them to be marched to Curry's corner on Monday next, at 8 O'clock in the morning. The order directing whole companies to do duty is countermanded.

Detroit August 8th 1807.

8. The Commander in chief absolutely forbids any firing in the town, unless it is by order of an officer. In future, disobedience of this order will be punished with the utmost severity.

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9. Head Quarters at Detroit August 9th 1807.

The order for detaching fifty men from the first Regiment for a month, is suspended for the present. Each day in future the first Regiment will furnish a Captain, two subalterns, four serjeants, and forty men, to work on the stockade. The Legionary Corps will furnish the same number of officers and men. They will be marched to the works at 8 o'clock in the morning.

1807 Detroit August 11th 1807.

August 11. After this night the guards will be kept in the following manner. Visger's and Lecuyer's companies will alternately furnish a guard of a Serjeant and six privates to be stationed at the Blockhouse. The Rifle company, the Artillery and Cavalry will furnish a Serjeant and eight privates every night, to be kept at the north Blockhouse. Hickman's Light Infantry, Campau's and Anderson's companies of the first Regiment, will alternately furnish a subaltern, serjeant and twelve privates as a guard to be kept in the east Blockhouse. The Adjutant General will detail a Captain of the day, who will visit all the guards by night, and give them their instructions.

In case of an alarm or attack on this place, the following disposition will be made of the troops. Scott's company of Riflemen at the north Blockhouse. Anderson's company at the east Blockhouse. Lecuyer's company at the old Blockhouse. Hickman's company will defend the pickets between the two Blockhouses. Visger's the pickets between the fort and the north Blockhouse,—and Campau's company the pickets between the east Blockhouse and the river. All the other companies will form at Curry's corner and wait for orders.

Colonel Woodward will command from the west Blockhouse to the Fort, and so on from the Fort to the river, and on the river as far east as Abbott's store,—but in such manner as not to interfere with Captain Dyson's command.

Colonel Brush will command from Abbott's store on the river to the east gate, and north to the north Blockhouse, including said Blockhouse.

In case the enemy should break through the pickets and get into the town, Hickman's company will immediately take possession of the stone Council house,—Campaus of the Bank, and Visger's of the old Blockhouse and May's stone house, Captain Dodemead's and Smith's companies will parade at the stone Council house where they will receive their orders. Doctor Mc-Croskry will attend at May's stone house, and Doctor William Brown at the Council house, where the wounded will be sent.

A Commission was issued to Joseph Spencer, to be Ensign of the eighth company of the first Regiment, dated the eleventh day of August, one thousand eight hundred and seven, in tenor and form similar to the commission of Jacob Visger, recorded on the thirty fourth page of this book. mutatis mutandis.

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12. A Commission was issued to Jean Baptist Comparet, to be Ensign in the first Regiment, dated the twelfth day of August, one thousand eight hundred and seven, in tenor and form similar to the commission of Jacob Visger, recorded on the thirty fourth page of this book, mutatis mutandis.

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13. General Orders.

Detroit August 13th 1807.

The necessity of completing the fortifications requires at this moment every possible exertion. The whole of the Legionary Corps, and the whole of Captain Anderson's company, in addition to those ordered by the former orders, are requested to volunteer their services tomorrow.

1807 Head Quarters at Detroit August 17th 1807.

August 17. On the third day of September next the Legionary Corps and the first Regiment will parade at Detroit, at 9 o'clock in the morning—for a general review. The Commander in chief expects they will appear better disciplined and better armed and equipped, than on any former occasion.

The first Regiment in the course of this week will prepare and set up three hundred yards of pickets, and the Legionary Corps one hundred and fifty.

The commanding officers of Regiments will apportion the work to the several companies.

A Commission was issued to Etienne Dubois to be Ensign in the first Regiment, dated the seventeenth day of August, one thousand eight hundred and seven,—in tenor and form similar to the commission of Jacob Visger, recorded on the thirty fourth page of this book—mutatis mutandis.

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18. Commissions, similar in tenor and form to that recorded on the thirty fourth page of this book, to Jacob Visger—mutatis mutandis—were issued on the eighteenth day of August one thousand eight hundred and seven to—John Burnet to be second Adjutant with the rank of Lieutenant, and James M°Croskey to be Quarter Master,—both of the first Regiment.

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21. General Orders.

Detroit August 21st 1807.

After this night the following disposition will be made of the guards.

The several companies of the first Regiment above and below the town, will furnish small guards to patrole within the limits of their companies. Three patroles will be commanded by a non-commissioned officer, and will receive their orders from and be under the direction of the commanding officer of the company.

Colonel Woodward will make an arangement to guard the lower part of the town, from the Fort to the river, with Captain Anderson's company,—and Colonel Brush the upper part of the town, from the Fort to the river, with the Legionary Corps.

A Captain of the day will be appointed from the town, and he will visit the guards by night.

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23. A Commission was issued to Louis Beufait, to be Captain in the first Regiment, dated the twenty third day of August, one thousand eight hundred and seven, in tenor and form similar the commission of Jacob Visger, recorded on the thirty fourth page of this book—mutatis mutandis.

Sep[t] 4. On the fourth day of September, one thousand eight hundred and seven, the following was received from the Governor.

Detroit September 4[th] 1807.

Louis S[t] Bernard is hereby honorably discharged from his office as a Captain in the first Regiment of Militia of the Territory of Michigan, at his own request.

William Hull.

To Stanley Griswold E[sq]
Secy. of Michigan Territory.

A Commission was issued to James Forsyth, to be Captain in the first Regiment, dated the fourth day of September, one thousand eight hundred and seven,—in tenor and form similar to the commission of Jacob Visgar, recorded on the thirty fourth page of this book, mutatis mutandis.

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7. A Commission was issued to Moses Morse, to be Captain of a Light Infantry company in the second Regiment, dated the seventh day of september, one thousand eight hundred and seven, in tenor and form similar to the commission of Jacob Visger, recorded on the thirty fourth page of this book, mutatis mutandis.

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19. A Commission of Justice of the Peace for the district of Michilimackinac, was issued to Presley Neville O'Bannon, commandant of the garrison at that place, dated the nineteenth day of September, one thousand eight hundred and seven, in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book,—mutatis mutandis.

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26. Commissions, similar in tenor and form to that recorded on the thirty fourth page of this book to Jacob Visger— mutatis mutandis—were issued on the twenty sixth day of September, one thousand eight hundred and seven, to—Joshua Olds, to be Lieutenant—and—Daniel Millholland to be Ensign, both of the Light Infantry company in the second Regiment.

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28. Commissions, similar in tenor and form to that recorded on the thirty fourth page of this book, to Jacob Visger—mutatis mutandis—were issued on the twenty eighth day of September,

one thousand eight hundred and seven, to—Pierre Mini to be Captain,—Robert H. M^{c}Niff to be Lieutenant,— Jacques Lazon to be Lieutenant,—and Pierre Mini to be Ensign, all in the second Battallion of the first Regiment.—Also to—Joseph Cavalier to be Lieutenant,—and Isaac Ruland to be Ensign,—both in the second Regiment.

Octob^{r} 3. On the third day of October, one thousand eight hundred and seven, a Commission of Register of the City of Detroit was issued to Joseph Watson, of said city.

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16. A Commission of Justice of the Peace for the districts of Detroit and Huron, was issued to Elijah Brush, of Detroit, dated the sixteenth day of October, one thousand eight hundred and seven,—in tenor and form similar to the commission of David Duncan, recorded on the sixteenth page of this book, mutatis mutandis.

A Commission of Vice Marshal of the Territory of Michigan, was issued to James M^{c}Croskey, of Detroit, dated the sixteenth day of October one thousand eight hundred and seven.

November 9. General Orders.

Head Quarters at Detroit November 9th 1807.

The Militia of this Territory will hold themselves in readiness to march at the shortest notice.

The commanding officers of Regiments and Corps will immediately order an inspection of the arms and ammunition, and application will be made to the Quarter Master General for any deficiency of arms.

On Saturday the 14th instant at 10 o'clock in the forenoon, all the companies of the first Regiment and Legionary Corps will assemble for exercise and inspection on their company parades. The field officers will review and inspect the companies, and make report of their situation of the Adjutand General.

The Adjutant General will at all times furnish the Quarter Master General with a copy of all orders which have any relation to his department.

December 6. Head Quarters at Detroit December 6th 1807.

On Wednesday the 9th instant at 10 o'clock in the forenoon, the first Regiment and the Legionary Corps will assemble on the parade opposite the Indian Council house in Detroit, armed and equipped according to law, when and where they will receive their orders, As the occasion of their meeting is highly important, a strict and punctual attendance will be required, and the penalties of the law will be inflicted on every individual who does not appear.

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7. Head Quarters at Detroit, December 7th 1807.

The President of the United States has directed the Commander in chief of the Territory of Michigan, to call into actual service three companies of militia for the immediate protection of the citizens in the neighborhood of Detroit, under the immediate command of a Major, to be posted within the town of Detroit, or a part of them in the neighborhood, if it should be thought adviseable and would afford more effectual protection to the inhabitants.

In consequence of this order he now calls on the officers, non-commissioned officers and privates of Captain Scott's company of Riflemen, and Captain Hickman's company of Light Infantry, who have voluntarily offered their services to the President, for this duty.

The first Regiment will have the honor to furnish a company of volunteers, consisting of four serjeants, four corporals, four musicians, and sixty four privates, to be commanded by Captain Jacob Visger, the senior Captain in the Regiment, and likewise as many non-commissioned officers, musicians and privates as will compleat Captain Scott's and Hickman's companies.

The Commander in chief, at the present moment, feels such confidence in the patriotism of his fellow citizens, that he will not admit the idea of a detachment for this honorable service by force of the law.

Major John Whipple is appointed to command this detachment. The Major will nominate to the Governor a suitable character for his Adjutant.

These troops will be subject to the same regulation and entitled to the same pay, rations etc. as the regular troops of the

United States, and those who offer their voluntary service, to cloathing, or payment for cloathing.

The citizens of the Territory of Michigan have now an opportunity to manifest by their conduct the sincerity of their professions. By their patriotic resolutions they have pledged their lives and property to cooperate with their government in such measures as they shall adopt for redress. The situation of this frontier is such that the government has deemed it necessary to call into actual service a part of the militia, not at the expence of the Territory, not at the expence of the individuals, but at the expence of the Union,—not to march to distant parts of the country, but to remain at home for the protection of themselves and families. It is an evidence of the regard of the government to the remotest parts of the country, and a measure in which We have bound ourselves to cooperate, and it is to be hoped not with indifference and apathy, but with spirit and firmness.

Nothing would afford the Commander in chief more satisfaction, than to be able to inform the President of the United States, that the whole detachment required had been furnished by volunteers, and that the only contention in our country was, who should have the honor of standing foremost in its defence.

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9. Head Quarters at Detroit December 9th 1807.

Whereas a sufficient number of volunteers have not offered their services to compleat the three companies according to the order of the 7th instant, the Commander in chief, agreeably to the orders of the President of the United States, orders that a sufficient number of non commissioned officers and privates be detached from the first Regiment to compleat said companies.

1807

December 10. Head Quarters at Detroit December 10th 1807.

Colonel George McDougall, the Quarter Master General, will furnish the detachment under the command of Major Whipple, with stationery, fuel, camp equipage, ammunition, as many arms as may be necessary, and such buildings as may be necessary for their accommodation.

Ensign Baptiste Comparet will join Captain Fisher's company, and will do duty in the detachment accordingly.

Abijah Hull is appointed Adjutant, and Charles Curry Quarter Master to the detachment. The Quarter Master will apply to

the Quarter Master General for whatever may be necessary in his department.

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11. Head Quarters at Detroit 11th December 1807

Henry Jackson Hunt is appointed an Aid-de-camp to the Commander in chief, with the rank of Major. He will be obeyed and respected accordingly.

Doctor William Brown is appointed Surgeon to the detachment under the command of Major Whipple, and will be respected accordingly.

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13. Head Quarters at Detroit 13th December 1807.

Lieutenant Whitmore Knagg's will join the Detachment under the command of Major Whipple, and is assigned to Captain Visger's company. As the waters are now open, and as the season may be such that wood for fuel cannot be obtained, the Quarter Master General will immediately furnish a supply for the detachment for three months. He will likewise furnish the materials for chimnies and bunks in the Block-houses, and likewise materials for putting the Indian Council house in a proper situation for the accommodation of the troops. He will likewise furnish the usual allowance of Stationary.

The Contractor will issue provisions to the Detachment by orders signed by the immediate commanding officer.

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21. Commissions similar in tenor and form to that recorded on the thirty fourth page of this book, to Jacob Visger—mutatis mutandis—were issued on the twenty first day of December, one thousand eight hundred and seven, to—Joseph Watson to be Adjutant,—and Hugh R. Martin to be Quarter Master,—both with the rank of Lieutenant in the Legionary Corps.

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22. Henry Jackson Hunt and Abijah Hull were commissioned Aids-de-camp to the Commander in chief, with the rank of Major, on the twenty second day of December, one thousand eight hundred and seven, the latter to take rank from the tenth, and the former from the eleventh, days of the same month,—and their commissions in tenor and form were similar to the commission of Augustus B. Woodward, recorded on the twenty seventh page of this book—mutatis mutandis.

Michigan Territory.

Secretary's Office.

Detroit 1st January 1808.

I certify, that the foregoing is a true Copy of the Records in my Office, comprehending the Acts and Proceedings of the Executive of the Territory of Michigan, from the 1st day of July 1807, to the 1st day of January 1808.

Stanley Griswold,
Secy of Michigan Territory.

AFFIDAVIT OF RICHARD PATTINSON RESPECTING HIS SLAVES.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

Territory of Michigan ss—

Personally came and appeared before me Peter Audrain, one of the justices of the peace for the district of Huron and Detroit in Said territory, Richard Pattinson, Esquire, of Sandwich, in the province of Upper Canada, merchant, who being duly Sworn on the holy Evangelist of Almighty God deposeth and Saith that a Certain Mulato girl named Jenny, and who is the property of this deponent, of about the age of twenty years, about five feet Six inches high, strait and well made; deserted from this deponent Sometimes in the falls of 1806 from his house, in Sandwich aforesaid, and that She is now resident in the Said town of Detroit, and refused to return home to her Service, he therefore prays the interference of the Honble. the Supreme Court of this territory in this behalf, and that a Warrant or precept may issue to apprehend the Said Jenny, and that She may be delivered up to your deponent in conformity to the laws of the territory in Such case made and provides.

Taken and Subscribed before me at my Chambers in Detroit this 19th day of october A. D. 1807.

(Signed) Rd. Pattinson

Peter Audrain
J. P. D. D.

Territory of Michigan, to wit—

I Peter Audrain clerk of the Supreme Court of the territory of Michigan, do hereby certify the above to be a true Copy from the Original filed in Court the 20th octoble last. In testimony whereof I have hereunto Set my hand and affixed the Seal of the Said Supreme Court, at Detroit the fourth day of november 1807

(Seal.)

Peter Audrain Clerk S. C.

TESTIMONY AS TO THE FUGITIVE SLAVES OF MATTHEW ELLIOTT.

[Original in Bureau of Rolls and Library, Washington.]

At a session of the Supreme Court continued and held at Detroit on thursday the twenty ninth day of october one thousand eight hundred Seven, at the clerk's office, pursuant to adjournment, was present Augustus B. Woodward, Chief judge of the territory of Michigan.

The Examinations of Harris Hampden Hickman, Counsel and attorney at law, respecting the treatment of James Heward, and the case of Matthew Elliott,* Esq^r^, a Subject of his Britannic Majesty, taken in the Supreme Court of the territory of Michigan on thursday the twenty ninth day of october one thousand eight hundred Seven.

This Deponent, a Counsellor and attorney of the Supreme Court of the territory of Michigan, being first duly Sworn, deposeth and Saith that he was Counsel and attorney for Matthew Elliott, a Subject of his Britannic Majesty, residing in the Vicinity of Amhertsburgh, in the County of Essex, in the province of Upper Canada, in a motion for the restoration of his Slaves, and in a case in which he was defendant at the Suit of John Askin; that the Said James Heward was attending as a witness in Said Supreme Court in the first mentioned case, on the nineteenth day of october, when he received the ill treatment, which has been Complained of; that on the morning of Monday the fifth day of october Richard Smyth, a tavern keeper in Detroit, and who is Commissioned a Justice of the peace, made use of a great deal of violent and abusive language in the presence of this Deponent relating to the Case of M^r^. Elliott's Slaves; the Said Smyth Swore very bitterly that they Should not be restored to their master, and that he would Kill any person who Should come to his house to take them, or Should attempt to arrest them, and to carry them across the river. And on Several other occasions Since, this Deponent has heard the Said Richard Smyth make use of other violent language and threats of the Same Kind. And further the Deponent Saith not.

Taken before me the day and year first above written the Deponent Subscribing the Same in identification in my presence.

(Signed) Augustus B. Woodward

(Signed) Harris H. Hickman.

*Matthew Elliott was a fugitive from Pittsburg in the early part of the Revolutionary War, came to Detroit and took an active part on behalf of the British in the Indian depredations in Ohio and Pennsylvania. He lived in Detroit until the coming of Wayne and then removed to the Canadian side of the river. Because of his attitude during that war he was unpopular.—C. M. B.

I Peter Audrain, Clerk of the Supreme Court of the territory of Michigan, do hereby Certify that the Within is a true copy from the files in my office. In testimony whereof I have hereunto Subscribed my name, and affixed the Seal of the Said Supreme Court, at Detroit the fourth november one thousand eight hundred Seven.

(Seal.) Peter Audrain Ck. S. C.

AFFIDAVIT OF JAMES DODEMEAD RELATIVE TO JAMES HEWARD AND THE FUGITIVE SLAVES OF MATTHEW ELLIOTT.

[Original in Bureau of Rolls and Library, Washington.]

At a Session of the Supreme Court Continued and held at Detroit, on tuesday the twenty Seventh day of October one thousand eight hundred Seven, at the clerk's office, pursuant to adjournment was present Augustus B. Woodward, Chief judge of the territory of Michigan.

Examination of James Dodemead respecting the ill treatment Said to have been received by James Heward, a Subject of his Britannic Majesty taken in the Supreme Court of the territory of Michigan, on tuesday the twenty Seventh day of october one thousand Eight hundred Seven.

This deponent, aged twenty three, being first duly Sworn, deposes and Says that he resides in the town of Detroit, at the house of his father, and that on monday the nineteenth day of october about two o'clock in the afternoon, James Heward arrived from the other Side of Detroit river at his father's house to take lodgings. This deponent did not at that time know the business on which he came over, but has since understood it was for the purpose of giving his testimony in a motion then depending before the Supreme Court in behalf of Matthew Elliott of Amhertsburgh in Upper Canada for the restoration of his Slaves who had ran [sic] away from him, and were now within this territory,. He was at the time this deponent first Saw him perfectly Sober, and his Conversation and Conduct perfectly Correct. About Seven o'clock in the evening the Said James Heward, being then at the house of the father of the deponent, proposed to go over to See a Certain Gaspard Abraham, a Citizen of Detroit,. At this time the Said Heward was intoxicated, but did not Say or do anything amiss. Passing by the tavern Kept by Richard Smyth in Detroit the Said Heward proposed to Stop

there, and get a drink of grog. The deponent advised him not conceiving that he had drank enough, and that if he went in there he might Commence a quarrel with Some person, and told him, the Said James Heward, So; but he persisted in going in, and the deponent from motives of friendship went in with him. On going in they found in the room William Daily, a carpenter of Detroit, and Peter Curry a Navigator of the Same place. Daily was at that time drunk, but Curry was Sober. M^r^. Heward called for half a pint of brandy, and invited M^r^. Curry to drink, which he did, and they then both Sat down. They had hardly Sat down before abusive and quarrelsome language began to pass between Daily and Heward So Sudently [sic] and from causes So obscure that this deponent cannot tell who Commenced, or what was the Cause of it, but Daily called Heward a british rascal, and threatened to pull off his Wig if he did not immediately Sit down, he being then Standing, and Daily being Still Sitting. M^r^. Heward then Sat down, and M^r^. Curry then got up and told Daily if he did not hold his tongue he would put him out of doors. John M^c^ Chesney, a young man, an apprentice to M^r^. Richard Smyth to the hatting business, then entered the room, and M^r^. Curry, this deponent and M^r^ M^c^Chesney got to play with Daily, and at last pushed him out of the room, when he went away and did not return. While they were playing with Daily Some other persons Came in, to wit William Watson, Abraham Geel, David Robison, Thomas M^c^Clure, Hugh R. Martin, and Austin Langdon; and tho these were now added Richard Smyth the landlord who had been in and out three or four different times. M^r^. Heward then called for another half pint of brandy, and asked Langdon to drink, which he did, he M^r^. Langdon being then Sober. In a few Minutes M^r^. Langdon pulled off his coat, and threatened to fight M^r^. Heward. This deponent did not observe any cause of offence given to him, and could not tell what he was offended about. This Deponent thought Austin Langdon then Sober, but pretending to be drunk. M^r^. Heward got up from his Chair to fight with M^r^. Langdon, but this deponent put him down again in his chair telling him it was of no use for him to fight, he was drunk, and telling Langdon it was a Shame for him to disturb a man that was drunk. Langdon answered that he was as good a man as this deponent, told this deponent to hold his tongue, and Said that *it should be done in Spite of his teeth*, but what the Said Langdon meant this deponent did not then understand. M^r^ Heward then got up to go out of the back door, when this deponent Stopt him thinking him too drunk to go out, as he Could Scarcely Stand. He then began to Swear and Call the people in the

room a damn'd rascally Set of beggars. Mr. Robison then called him a damn'd british rascal. Mr. Heward then got up and attempted to go out which the deponent now Suffered him to do finding he could not prevent him. Charles Curry now entered at the back door, the Same door at which Mr. Heward was going out, and beckoned with a Stick to those in the inside to come out. This deponent then went out at the front door of the house, and was going home, as it was then getting late, and he Saw no probability of getting Mr. Heward away; and this deponent could not Stay the whole time there to take care of him,. When this deponent had got as far a Curry's corner, the next house to Richard Smyth, one of the Slaves of the father of this deponent, a boy of about thirteen, came running out of Mr. Smith yard, and Cried out that they were killing Mr. Heward. This deponent then ran back from the Corner into Mr. Smyth's yard, and found Mr. Heward quite alone standing up in the yard near the back door of the house where the deponent had left him with his hat full of feathers on the out Side, which was all this deponent could then discover in the dark. He Spoke to Mr Heward, told him it was a pretty thing for him to get into a Scrape of that kind, and advised him to go home with him the deponent. He went off with this deponent, and on passing Curry's Corner he drew his knife and Said he wanted very much to go back and Kill Some of them. He tried to get away having his pen Knife then opened in his hand, but this deponent prevented him and took him over to the house of the father of this deponent, where on Coming to the light the deponent perceived that the Said James Heward had tar on his face on the right Side over the temple. There were no feathers on the tar, He had tar also on his hat, and this tar was covered with feathers. This deponent perceived that he had lost his wig, and the next day he heard it had been found on a public corner in the Streets hanging on a nail. Mr. Joseph Watson was standing in the yard of Dr. Scott adjacent to that of Richard Smyth and Cried out hurrow my boys. This was while this deponent was taking Mr. Heward away. Some other persons were then in Mr. Smyth's yard, and the deponent Supposed the observation addressed to those persons, but heard no answer from them. This deponent did not observe who those persons were, his attention being engrossed with the care of taking Mr. Heward away. The mother of this deponent locked the door of the house and nailed the windows entertaining apprehensions Mr. Heward might be pursued there. The night however passed in tranquillity. Mr. Heward Staid all the ensuing day at the house of the father of this deponent, and only went out to Mr. Smyth to enquire of him for his wig. He could not procure it, and paid for the brandy he had had the night before.

The day after M^r^ Heward departed without any further molestation

The Deponent has Since been induced to believe from the information of Austin Longon [sic] that *it Should be done in Spite of his teeth,* that it had been preconcerted to tar and feather M^r^. Heward. This deponent does not Know of any offence given by M^r^. Heward further than above Stated, excepting his Coming over to give testimony respecting M^r^. Elliott's Slaves. He does not Know of M^r^. Heward having lost any part of his property, excepting his wig; and further the deponent Says not.

Taken before me the day and year first above written, the deponent Subscribing the Same in identification in my presence.

(Signed)—Augustus B. Woodward
(Signed) James Dodemead.

Territory of Michigan to wit—

I Peter Audrain, Clerk of the Supreme Court of the territory of Michigan do hereby certify that the foregoing is a true Copy from the files in my office. In testimony whereof I have hereunto Subscribed my name and affixed the Seal of the Said Supreme Court, at Detroit the fourth day of november one thousand eight hundred Seven.

Peter Audrain clk.

(Seal.)

SWORN TESTIMONY OF JAMES HEWARD AS TO MATTHEW ELLIOTT'S OWNERSHIP OF CERTAIN FUGITIVE SLAVES.

Territory of Michigan
district of Detroit ss^t^—

James Heward personally appeared before me the Subscriber, a justice of the peace in and for the Said district, who being duly Sworn on the holy Evangelist of Almighty God, Saith that Matthew Elliott Esq^r^ resided at Detroit in the Said territory at the time of making the treaty in 1794 between the United States and his Brittannic Majesty; that the Said Matt^w^. Elliott esq^r^ remained at Detroit untill about the time of Surrendering Said Post to the american government, when he removed to Amhertsburgh where he Still resides; that at the time of making the aforesaid treaty of 1794 the Said Matthew Elliott held, as his Slaves, by the laws of the Country then existing Negroes Hannah, Peter, Abraham,

Scipio, Candus, and James who were born the Slaves of the said Matthew Elliott of female slaves belonging to Said Matthew, and in his possession; that the Said Matthew Elliott Continued to hold the Said Hannah, Peter, Abraham (sic) Scipio, Candus and James and enjoy their Services, as his Slaves, untill the last winter and Spring when the Said Hannah Peter, Abraham, Scipio, Candus and James deserted from the Service and possession of Said Matthew Elliott and Came within the district of Detroit in the territory of Michigan where the deponent believes they are at this time. And the Said James Heward further Saith that George Meldrum owned and held as his Slaves under the laws of the Country, prior to the Surrender of the post of Detroit in 1796 the Slaves named Pompey and Jane; that the said George Meldrum lived within the jurisdiction of the post of Detroit prior to the treaty of 1794 at the time of making Said treaty and also at the time of the Surrender of Said post; that the Said George Meldrum Sold the Said Pompey and Jane as Slaves to John Stockwell of the province of Upper Canada who sold them about four years Since to the Said Matthew Elliott, who has held them Since as his Slaves untill Sometime during the last Winter or Spring they deserted from the Said Matthew Elliott and came into the district of Detroit in the territory of Michigan where the Said James Heward believes they are at this time.

(Signed) James Heward

Sworn and Subscribed before me this 21st. day of October 1807

(Signed) James May

J. P. D. D.

Territory of Michigan, to wit—

I Peter Audrain, Clerk of the Supreme Court of the territory of Michigan do hereby certify the above to be a true copy from the original filed in Court 21st. october last. In testimony whereof I have hereunto set my hand and affixed the Seal of the Said Supreme Court at Detroit the fourth day of november 1807.

(Seal.) Peter Audrain clerk. S. C.

ORDER OF THE SUPREME COURT IN REGARD TO THE ILL-TREATMENT OF JAMES HEWARD, A BRITISH SUBJECT.

At a session of the Supreme Court continued and held at Detroit, on Wednesday the twenty eighth day of October one thousand eight hundred

Seven, at the Clerk's office, pursuant to adjournment, was present Augustus B. Woodward, Chief judge of the territory of Michigan.

It being made appear to the Satisfaction of this Court that James Heward, a Subject of his Britannick Majesty, residing in the town of Amhertsburgh, in the County of Essex, in the province of Upper Canada, was attending this Court on the nineteenth day of october one thousand eight hundred Seven to give his testimony respecting the Slaves of Matthew Elliott, a Subject of his Britannic Majesty, residing in the Vicinity of the town of Amhertsburg in the County of Essex, in the province of Upper Canada, and it being Suggested to the Court that while he was So attending Sundry disorderly persons, in order to deter and prevent him from attending in this place on that occasion, concerted and put into execution a Course of insulting and abusive conduct towards the same James Heward and endeavoured to provoke him to fight, and assaulted and beat him, and covered the Side of his face with tar, and part of his hat with tar and feathers, and deprived him of his Wig contrary to the laws and treaties of the United States; and the affidavit of James Dodemead relative to the Said ill treatment being filed, and it being Suggested therefrom that Charles Curry, and Austin Langdon were parties Concerned in the Said ill treatment, it is thereupon ordered by the Court on the motion of Elijah Brush, and Harris Hampden Hickman, Counsel and attornies for the Said James Heward, and for Matthew Elliott, on whose business the Same James Heward was attending here, that the Said Charles Curry and the Said Austin Langdon be ruled to Shew Cause, if any they have, at the next term of the Supreme Court of the territory of Michigan why they Should not be attached for a Contempt pursuant to the laws in this behalf made and provided, and that they be previously Severally Served by the marshall with a Copy of this order. And the Said James Heward by his Said Counsel requesting that he Should be furnished with a Certified Copy of his affidavit in the Case of Matthew Elliott, and of the affidavit of James Dodemead in this behalf, and of this order, for the purpose of transmitting the Same to the Ambassador of his Britannic Majesty near the United States of America, the Same is ordered accordingly, and it is further Ordered that the Clerk make out and transmit certified Copies of the Said affidavits, and of this order to the Secretary of State of the United States of America for the more certain information of the Government of the United States on this Subject.

Territory of Michigan, to wit

I do hereby certify that the foregoing is a true extract from the Minutes of the Supreme Court of the territory of Michigan. In testimony whereof I have hereunto Subscribed my name and affixed the Seal of the Said Supreme Court, at Detroit the fourth day of november one thousand eight hundred and Seven.

(Seal.) Peter Audrain
clk. S. C.

ORDER OF THE SUPREME COURT IN REGARD TO THE ILL-TREATMENT OF MATTHEW ELLIOTT, A BRITISH SUBJECT.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

At a Session of the Supreme Court Continued and held at Detroit on thursday the twenty ninth day of october one thousand eight hundred seven at the Clerk's office, pursuant to adjournment was present Augustus B. Woodward, Chief judge of the territory of Michigan.

It being made appear to the Satisfaction of the Court that a motion was made and was pending in the Supreme Court of the territory of Michigan on the fifteenth and Sixteenth days of october in the year one thousand eight hundred Seven in behalf of Matthew Elliott, a Subject of his Britannic Majesty, residing in the Vicinity of Amhertsburg, in the County of Essex in the province of Upper Canada, Concerning the recovery of certain Slaves, the property of the Said Matthew Elliott, who had absented themselves from his Service, and are now in the district of Detroit in the territory of Michigan, and that an action was at the same time pending for trial, in which John Askin was plaintiff, and the Said Matthew Elliott defendant, and that the Said Matthew Elliott was attending in the Said Supreme Court on the Said fifteenth day of october as party in one or both of the Said matters; and it being Suggested to the Court that while the Said Matthew Elliott was So attending, Sundry disorderly persons concerted together and endeavoured to insult and abuse the Said Matthew Elliott and to attack his person, and to Cover him with tar and feathers in order to deter and prevent the Said Matthew Elliott from attending the Said Court on the said business, contrary to the laws and treaties of the United States; and the affidavit of Elijah Brush, attorney general of the territory of Michigan, relative to the Said threats against the Said Matthew Elliott being

filed, and it being Suggested therefrom that Richard Smith, Charles Curry, William Watson, Austin Langdon and Abraham Geel were concerned in the Said threats of ill treatment to the Said Matthew Elliott, it is thereupon ordered by the Court on the motion of Elijah Brush attorney general of the territory of Michigan and Harris Hampden Hickman, who are counsel and attornies for the Said Matthew Elliott, that the Said Richard Smyth, Charles Curry, William Watson, Austin Langdon and Abraham Geel be ruled to shew cause, if any they have, why they should not be attached for a contempt pursuant to the laws in this behalf made and provided; and that they be previously Served by the Marshall with a Copy of this order; and the Counsel for the Said Matthew Elliott requesting that a certified Copy of the affidavits respecting the ill treatment threatened to the Said Matthew Elliott, and of this order may be furnished to the Said Matthew Elliott for the purpose of transmitting the Same to the Ambassador of his Britannic Majesty near the United States of America, the Same is ordered accordingly; and it is further ordered that the Clerk make and transmit a Copy of the Said affidavits and of this order, and of the proceedings and decisions in the Cases of Richard Pattinson, and of the Said Matthew Elliott to the Secretary of State of the United States of America for a more certain information of the government of the United States on this Subject.

Territory of Michigan, to wit,

I Peter Audrain, Clerk of the Supreme Court of the territory of Michigan, do hereby Certify that the above is a true copy from the minutes of the Said Supreme Court. In testimony whereof I have hereunto Subscribed my name, and affixed the Seal of the Said Supreme Court, at Detroit the fourth day of november one thousand eight hundred Seven

Peter Audrain

(Seal.) Clerk. S. C.

INQUIRY INTO THE MEASURES TO BE ADOPTED IN CASE OF MILITARY EXPEDITIONS INTO THE TERRITORY.

[Original in Bureau of Rolls and Library, Washington.]

On wednesday the twenty first day of January one thousand eight hundred Seven—present the Governor, Judge Woodward, and Judge Griffin.

On the motion of Judge Woodward—

Resolved that a Committee be appointed to enquire and report whether any, and, if any, what measures ought to be taken by this Government in relation to military expeditions in this territory against the United States or any foreign nation in amity with the United States; Ordered that the Committee consist of one, and that Judge Woodward be the Said Committee.

I certify the foregoing to be a true copy from the Minutes of the legislative board.

Detroit 30th January 1807.

Peter Audrain Secretary

REPORT OF WOODWARD CONCERNING MILITARY EXPEDITIONS.*

The Committee to whom was referred the resolution respecting military expeditions preparing against the United States, or foreign nations in amity with the United States,

Report

That from certain transactions which have taken place in the western parts of the United States, and from the notice which has been taken of them by the President of the United States, and by the Governments of Some of the individual States, particularly the States of Kentucky and Ohio, it cannot be doubted that Serious causes of alarm exist on the Subject matter of the resolution referred.

Under the qualified legislation which belongs to this Government, it might have been doubted, however urgent the call, whether any powers were possessed to meet an exigency of this description. The government is however relieved from hesitation on that point by the arrival of a law of the State of Ohio, Specially applied to this Subject. Your Committee therefore reports a bill conformable, as near as may be, to the law of that State.

*The above referred to bill, prepared by Judge Woodward, became a law Jan. 23d, 1807; it is entitled: "An Act to prevent certain acts hostile to the peace and tranquility of the United States, within the jurisdiction of this Territory." It is characterized by the same cautious avoidance of reference to specific hostilities or enemies and seems at first sight to be directed against pirates; essentially, it imposes a heavy fine on militiamen who fail to turn out promptly when called. It was about this time that Gov. Hull made himself so unpopular by forcing the militia to build a stockade about the town; rumors of the conspiracy of Tecumseh and his brother, the Prophet, had probably begun to reach Detroit, although the battle of Tippecanoe was not fought until 1811.—H. S. B.

Your Committee have not been able to learn of any participation whatSoever within this territory in the expeditions which are contemplated in the resolution referred; and are therefore not Satisfied that any particular measures are requisite on the Subject, unless it may be Such as are of a preventative [sic] nature, and may be calculated to impress the public and the general Government with a Conviction of the patriotism and fidelity of the officers of this Government, and of the Citizens and Inhabitants of this territory.

Your Committee therefore recommend that a respectfull address be presented, on the part of this Government to the President of the United States, assuring him of the patriotism and fidelity of the officers, and people of this territory, and of their readiness, at any time, to Support the Constituted authorities of the Country in the preservation of the present happy constitution and administration of Government.

I certify the foregoing to be a true copy from the Original report made by Judge Woodward on thursday the twenty Second day of January one thousand eight hundred Seven.

Peter Audrain Secretary

Detroit 30th. January 1807.

RESOLUTION OF THE GOVERNOR, WOODWARD AND OTHERS CONCERNING AN ADDRESS TO BE SENT TO THE PRESIDENT.

[Original in the Bureau of Rolls and Library, Washington.]

On wednesday the twenty first day of January one thousand eight hundred Seven; present the Governor, Judge Woodward and Judge Griffin.

On the motion of Judge Woodward.

Resolved that a Committee be appointed to enquire and report whether any, and, if any, what measures ought to be taken by this government in relation to Military expeditions in this territory against the United States or any foreign nation in amity with the United States; Ordered that the Committee Consist of one, and that judge Woodward be the Said Committee.

On Thursday—Judge Woodward to whom was referred the resolution respecting certain Military expeditions against the United States, or any foreign Nation in amity with the United States, made a report by

bill which was read the first and Second time and ordered to be engrossed for a third reading. And on motion of the Governor, resolved unanimously that a respectfull address be Sent to the President of the United States, assuring him of the patriotism and fidelity of the officers of this Government, and of the people of this territory.

Territory of Michigan, to wit—

I Peter Audrain, Secretary of the Governor and Judges in their legislative department, do hereby Certify the foregoing to be a true copy from the minutes of the legislative board.

Peter Audrain Sec^{y}

Detroit the 24th January 1807.

RESOLUTION OF JUDGE WOODWARD.

[Letters and Papers from the Ter. of Michigan, 1805-1815.]

On wednesday the twenty first day of January one thousand eight hundred Seven.—present the Governor, Judge Woodward Judge Griffin.

On motion of Judge Woodward—

Resolved that the Governor of this territory be respectfully requested to lay before this board Copies of any papers received from the general Government relative to Military expeditions against the United States, or any foreig [sic] nation in amity with the United States, and also relative to the bank of Detroit.

Territory of Michigan, to wit—

I Peter Audrain, Secretary to the Governor and Judges in their legislative department, do hereby Certify the foregoing to be a true Copy from the minutes of the legislative board.

Peter Audrain, Sec^{y}.

Detroit 24th January 1807

On Thursday the twenty Second day of January 1807.

The Governor in pursuance of the resolution of yesterday requesting Copies of any papers received by him from the general Government relative to the expeditions contemplated in the said resolution, made a report which was read, and on motion of Judge Woodward, the report

was referred to the Same Committee to whom the Subject matter of the Said resolution was referred.—

A true Copy.
Detroit 24th January 1807.

Peter Audrain—Secy.

A. B. WOODWARD TO JAMES MADISON.

[Original in Bureau of Rolls and Library, Washington.]

Detroit, march 14. 1807.

The late mails have apprized the Governor, whether truly or not I am not able to say, that his character, and perhaps that of other members of this government, had been traduced at the seat of government, by the Secretary; and by the mail of Wednesday two publications in the Aurora, entitled *"On the evils which have proved fatal to republics,"* have reached us.

As far as the measures therein spoken of have a public tendency their propriety or impropriety must be tested by the result. They have however an additional purpose to effect, which is as well as I can understand it, *a charge upon the Governor and myself, by name, and perhaps on other members of the government by implication of being concerned in a speculation in the new town of Detroit, of great magnitude, as to its extent, and of great turpitude in its design.* Any acts of the description would be a violation of the honorable trust and confidence reposed in us by the law we have been called on to carry into execution; and must justly incur the displeasure of the general government.

An over officiousness in repelling calumnies betrays a want of self-respect. An extreme tardiness in doing it, on the other hand, betrays guilt. An explanation however to the officers of the general government can never be attended with harm and may possibly be attended with good.

I have no personal interest, direct or indirect, in the new town; or in any of the questions which are agitated in the adjustment of titles, and distribution of donations.

The Governor is in a different situation. He has purchased a piece of ground, and built himself a house. It is not certain whether the title will be adjusted under the law relating to the town, or that which may be now passed, or may hereafter pass, relative to farms. It is on the line of the town; but not yet included in it.

I firmly believe the Governor's conduct in this purchase upright and just. It is at the same time both patriotic and necessary. His situation requires him to have accommodation and shelter, and being possessed of wealth, it is an advantage to the country of which he is an officer, that a portion of his private resources should be applied to the erection of a house for his own accommodation. That in which he dwells is mean and comfortless beyond description. If he has any other concern relative to property in this country I am ignorant of it.

Judge Bates is also interested. He is entitled to a donation of five thousand feet of ground under the act of Congress. But it is barely justice to him to say that in this, as in every other instance, his conduct has been perfectly disinterested and honorable. He has appeared willing to receive it anywhere, and under any general arrangement, in common with others.

Judge Griffin is not interested in any respect, directly or indirectly, that I am acquainted with.

It is true his Brittannic Majesty's surveyor* was employed, there being none to be procured on the American side. It is true I assisted him in taking a meridian line, and in adjusting his survey, both on paper, and on the ground. It is not true that *thirty* days and thirty nights were employed in taking observations. A meridian line, from which all the others were run, was taken from one solar observation, and one sidereal observation on the night of the same day, within fourteen or fifteen hours from the first. The wit is unquestionably handsome, and appropriate; but it is not true that any delays were occasioned by the precision. The sole delays have taken place, in the first instance, from the want of any surveyor; and in the second, from the difficulties of reconciling the jarring pretentions of individuals. Before the departure of the Governor every person who applied, was accommodated either for old ground, or on a credit for five years, if in the latter instance he was desirous of building the same fall. All other cases were deferred until the case was laid before Congress. These restrictions were reasonable and proper, and our final report which would have already been before Congress, if our proceedings had not been interrupted by violence on the subject of the donations, will justify to our country and to the world the firm equitable and impartial manner in which the law has been carried into effect. It will at the same time test whether any complaints exist; and if any whether they are well founded. Such as have reached me come from

*The surveyor referred to was Thomas Smith. One of Smith's daughter's, Ann, married John McDonell, and another daughter became the wife of Henry Puthuff; all were prominent in their time.—C. M. B.

persons who are not interested in the subject; and are attributable rather to envy and malignity towards those intrusted with the power, than to a generous competition of talents and patriotism.

I have the honor to be, Sir,

respectfully,
Your obedient servant,
A. B. Woodward.

The hon. James Madison,
Secretary of State.
[Endorsed.]
The hon. James Madison,
Secretary of State
Washington
Mail
A. B. Woodward, mar. 14, 1807.

A. B. WOODWARD TO JAMES MADISON.

[Original in Bureau of Rolls and Library, Washington.]

Detroit, mar. 21, 1807.

The last litigated question relative to titles here was decided yesterday.

I have the pleasure to add that the form of our report is the only thing of consequence now engaging our attention.

I have the honor to be Sir,

respectfully
your obedient servant,
A. B. Woodward.

[Endorsed.]
The hon. James Madison
Secretary of State
Washington.

WILLIAM HULL TO JAMES MADISON, ON THE SUBJECT OF THE BANK OF DETROIT.*

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Detroit 26th May 1807—

Sir

Heretofore I have uniformly stated to the Government as my opinion, that the design of establishing a bank here, was laudable and calculated to promote the Public interest— Until very lately I believed the views of the Applicants were pure, and the management of the institution would have been such, as to have promoted the Public Interest— Within a few days a Gentleman has arrived from the State of New York, with five or six thousand dollars of the Bills, They have been presented and payment has been refused—

It is now evident that immediately after the charter was granted by the Territorial Government, bills to the amount of eighty or one hundred thousand dollars were issued and delivered to Messrs. Parker and Bradstreet, the agents from Boston— None of these Bills probably have returned, excepting those brought [by] the Gentleman from New York— All the Specie paid into the Bank does not exceed twenty thousand dollars— The principal part of which was deposited by the agents from Boston— Whether the whole of that was left I am unable to say— In addition to the bills sent to Boston, the Bank was in the habit of discounting, untill the Law was disapproved, by Congress— From what has taken place, I am now induced to believe, that the agents had improper views in the first instance—and I consider the management of those who have had the direction of it as highly reprehensible—Payment, after these bills were issued, might have been immediately demanded, which could not have been complied with—I have conversed with some of the Directors on the subject, and expressed my astonishment at their Conduct—They do not deny the fact of having issued the Bills to the Agents and they make no other answer, than this that if Congress had not disapproved of the law, money would have been sent on, and the bills would have been paid when presented— Although I am no[t] of the opinion that a small bank, conducted on fair and proper principles, would be promotive of the public Interest. Yet, under the circumstances

*A brief account of the organization of this bank may be found in Vol. II, this series, page 111.—H. S. B.

this has been conducted I rejoice Congress has disapproved of the law— What security was given for the large sum sent to Boston, I have not been able to learn— I sincerely hope it will appear to be sufficient to indemnify the holders of the bills, and the present stockholders will have sufficient integrity, faithfully to apply all their funds to that purpose—

If, Sir, I have committed any error, it was in signing the act, which I did not approve in all its parts— It seemed to be the only one in which we could all agree—I repeat, Sir, that I never have had any other connection with it, since its establishment, either directly or indirectly, excepting my subscription for five shares for which I have paid ten dollars—

M^r. M^cLellan of Portland, who married one of my daughters, wrote me, and requested me to take a large number of shares for him— I balanced for some time, when the subscription was opened, and finally concluded as I was one of three who passed the act, that I would have no agency in it, and I have no knowledge, that he or any of my connections, have any interest in it— I have made this Statement, because it, has been suggested, that those who passed the Law, were influenced by other motives, than those of the public Interest.

I am respectfully, your most obe^t Servt.

William Hull

J. Madison Secretary of State.

[Endorsed.]

Honb.^le James Madison Esq^r.
Secretary of State
Washington.

WILLIAM HULL TO THE SECRETARY OF STATE.

[Original in Bureau of Rolls and Library, Washington.]

Detroit 26^th July: 1807—

Sir

A Contemptible faction here influenced by a Number of British Subjects, are opposing every measure of Government, and I have this moment been informed, have sent a representation to the President—It is here viewed with so much Contempt that no measures have been taken to counteract it—

All I request, at present is, that no unfavorable opinion may be formed, until the true state of things are made known

I am sorry to communicate, that the Secretary of the Territory, and the Receiver of public Monies associate with these people

I am very Respectfully You[r]

Most Obedient Servant

William Hull.

To the Secretary
of State

PROCLAMATION BY WM. HULL, PROHIBITING THE SENDING OF WAMPUM TO, AND THE HOLDING OF COUNCILS WITH, THE INDIANS.*

[Original in Bureau of Rolls and Library, Dept. of State, Washington.]

William Hull Governor of the Territory of Michigan and Superintendent of Indian Affairs—

To All to whom these presents shall come.

Whereas it has been represented that diverse Person, regardless of the Laws of the United States, have been in the habit of sending Wampum and Speeches to the Indians, and of holding Councils with them, unauthorized by the President of the United States, or any Superintendant or Agent of Indian Affairs—

To prevent a practice so dangerous to the peace and safety of the Country.

All Persons whether Citizens or Foreigners are strictly forbidden to send any Speech or Wampum to any Indian or Indians, or to hold any Council or Talk with them, unless duly authorized, as they will suffer the penalty of the Law—

All Officers of the United States of America, and of the Territory of Michigan, and all the Citizens of the same, are required to be vigilant in the apprehension of Offenders, and in bringing them to justice

Given under my hand and Seal at Detroit this Twentieth day of August, one thousand eight hundred and seven, and in the thirty second year of the Independence of the United States of America

Signed William Hull

*Notwithstanding this proclamation, and many vigorous protests, the British at Malden continued to treat with the Indians on the American side of the boundary even so late as the Black Hawk War in 1832.—H. S. B.

PAPERS RELATING TO THE NATURALIZATION OF ROBERT FORSYTHE AND JOHN GENTLE.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

Appurtenant to N°: XV.

N°: 1.

Territory of Michigan, to wit;

At a session of the Supreme Court of the Territory of Michigan continued and held at the Council House, in the City of Detroit, on Saturday the twenty-sixth day of September, one thousand eight hundred seven, pursuant to adjournment, was present, Augustus Brevoort Woodward, chief judge.

In the matter of Robert Forsythe*, who applies to be made a citizen of the United States, the court considered that the law requires a continuance of residence, and, that, in this case, the continuity of residence has been broken, by a real domiciliary residence of the applicant, for a considerable time, within the dominions of His Britannic Majesty, and, therefore, the applicant cannot, now, be admitted a citizen of the United States.

A true copy from the records.
(Signed.)
Peter Audrain.
Clk. S. C. T. M.

N°: 2.

Territory of Michigan, to wit;

At a session of the Supreme Court of the Territory of Michigan, continued and held at the Council House, in the City of Detroit, on Saturday, the twenty-sixth day of September, one thousand eight hundred seven, pursuant to adjournment, was present, Augustus Brevoort Woodward, Chief Judge.

In the matter of John Gentle, who applies to be made a citizen of the United States; the Attorney General of the Territory of Michigan appeared and caveated the said application.

*[Five years later (May 15, 1812) Robert Forsythe was admitted to citizenship, as is shown by the certificate of the court printed on a following page.]—H. S. B.

The Court, having considered the testimony, were of opinion that the residence required by law was not proved; and, that, therefore, the applicant cannot, now, be admitted a citizen of the United States.*

A true copy from the record.
(Signed.) Peter Audrain.
Clk. S. C. T. M.

Territory of Michigan, to wit;

At a session of the Supreme Court of the Territory of Michigan, continued and held at the Council House, in the City of Detroit, on Friday the second day of October, one thousand eight hundred seven, pursuant to adjournment, was present, Augustus Brevoort Woodward, Chief Judge.

In pursuance of an act of the Congress of the United States entitled "An act to establish a uniform rule of naturalization and to repeal the acts heretofore passed on that subject," Robert Forsythe, a subject of His Britannic Majesty, residing in the District of Detroit, in the Territory of Michigan, appeared in court, and declared, on oath, that it is *bona fide* his intention to become a citizen of the United States, and, to renounce, forever, all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, whatever, and particularly to His Majesty the king of the United Kingdom of Great Britain and Ireland, which is ordered to be entered of record.

A true copy from the records.
(Signed.)
Peter Audrain.
Clk. S. C. T. M.

Territory of Michigan, to wit;

At a session of the Supreme Court continued and held at the House of the Marshall, in the City of Detroit on Friday the twenty second day of October, one thousand eight hundred seven, pursuant to adjournment, was present, Augustus Brevoort Woodward, Chief Judge.

In pursuance of an Act of the Congress of the United States, entitled "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," John Gentle, a subject of His Britannic Majesty, residing in the District of Detroit in the Territory of Michigan, appeared in court, and declared, on oath, that it is, *bona fide,*

*[This refusal by Judge Woodward to admit Gentle to citizenship and thus prevent him from receiving certain land donations from the government, was very much resented by the disappointed applicant, who proceeded to take his revenge by abusing the territorial government in general and Judge Woodward in particular, in the eastern newspapers.]—H. S. B.

his intention to become a citizen of the United States, and to renounce forever, all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, whatever, and particularly to His Majesty the king of the United kingdom of Great Britain and Ireland, which is ordered to be entered of record.

A true copy from the record.
(Signed.)
Peter Audrain.
Clk. S. C. T. M.

DECISION OF THE SUPREME COURT RESPECTING THE SLAVES OF MATTHEW ELLIOTT.

At a Session of the Supreme Court Continued and held at Detroit, on Saturday the twenty fourth day of October one thousand eight hundred Seven, at the house of the Marshall, pursuant to adjournment, was present Augustus B. Woodward, Chief judge of the territory of Michigan.

In the matter of Matthew Elliott, a Subject of his Britannic Majesty residing in the Vicinity of Amhertsburg in the province of Upper Canada, who moves the Court for a warrant to apprehend Sundry of his Slaves now within this territory; the Court over rules the motion.

Territory of Michigan, to wit—

I Peter Audrain, Clerk of the Supreme Court of the territory of Michigan, do hereby Certify the above to be a true extract from the minutes of the Said Supreme Court. In testimony where of I have hereunto Subscribed my name and affixed the Seal of the Said Supreme Court, at Detroit the fourth day of november one thousand eight hundred Seven.

Peter Audrain Clerk.

(Seal.) S. C.

AFFIDAVIT OF ELIJAH BRUSH RESPECTING THE ILL-TREATMENT OF MATTHEW ELLIOTT.

At a Session of the Supreme Court Continued and held at Detroit on twesday [sic] the twenty Seventh day of October one thousand eight hundred Seven, at the Clerk's office pursuant to adjournment, was present Augustus B. Woodward, Chief judge of the territory of Michigan.

Examination of Elijah Brush, attorney general of the territory of Michigan, respecting ill treatment threatened to Matthew Elliott, a Subject of his Britannick Majesty taken in the Supreme Court of the territory of Michigan on tuesday the twenty Seventh day of october one thousand eight hundred Seven.

This deponent, attorney general of the territory of Michigan being first duly Sworn deposes and Says that he was counsel and attorney for Matthew Elliott, a subject of his Britannic Majesty, residing near the town of Amhertsburg, in the County of Essex, in the province of Upper Canada, and a member of the parliament of the Said province, and that he was applied to by him to procure for him by legal means, if possible, his Slaves, who had deserted from his Service, and had taken refuge in the territory of Michigan, and, as his Counsel, he did advise him that the Supreme Court might perhaps have it in their power to extend relief, and that, in order to see the result, he the Said deponent would undertake to make a motion for that purpose. And the deponent did make the Said motion, and was eventually over ruled in it. That on thursday the fifteenth of October instant there was an argument in the Supreme Court in the afternoon on this Subject, in which this deponent and Harris H. Hickman, an attorney and Counsel in the Supreme Court Supported the Said motion, and were opposed by Solomon Sibley also a Counsel and attorney in the Same Court, and at which argument the Said Matthew Elliott was present: that on the Subsequent day friday the Sixteenth of october Richard Smith, an Inhabitant of the town of Detroit, who keeps a tavern, and follows the business of a hatter, and is Commissioned as a justice of the peace, told this deponent, while he was attending in Court that it was fortunate Elliott had not been Caught last evening, for if he had, he would certainly have been tarred and feathered, that he had been watched, and had been observed to go from the Court house to the fort, after the Court had adjourned, that he had been waited for when he should return from the fort, for they had intended to Seize him, and tar and feather him, for they had the tar and feathers all ready; but that on his return from the fort he had taken the Water road to the house of this Deponent, by which means they had missed of him; that they had patrolled the Streets untill ten or eleven o'clock at night expecting to find him; that not finding him they went to M^{r}. John Dodemead to enquire if he was not there, where it was that they first learned that M^{r}. Elliott had gone from the fort, and gone along the water side to the house of this deponent fearing to go through the town, as he the said Richard Smyth supposed, on account of his being tarred and feathered:

that they then had Come to a determination to go to the house of this deponent in pursuit of him, expecting to find him there, and would have gone if they had not been dissuaded from it by him Richard Smyth: that they had not intended to insult this deponent or his family, but that they had intended to demand Mr. Elliott of him, and if this deponent gave him up peaceably it would be well and good, but that if this deponent did not give him up peaceably, they were determined to have him at the risque of their lives. The deponent made this answer to the Said Richard Smyth that he could not believe and would not believe that the people would Carry their outrages to Such length. He replied in these words "oh yes by God they will, and if he comes over again, he will get it, and it is no matter at what hour of the day or night they can catch him." He further observed that if the judge should decide in favor of the application, he would be Served in the Same manner. He observed the persons concerned were willing to Support the Constitution, but that if the Court decided the Slaves of Mr. Elliott Should be restored, the Court Should be tarred and feathered. The deponent observed that it would produce a Sad dilemma; that the Court were the Constitutional judges of the law, and that they ought not to medle with it. By God he Said they would take upon themselves to judge in cases of that kind, and upon that he and the Deponent parted. This Deponent afterwards wrote to Mr. Elliott requesting him to come over, and his motive was to Shew those very people that they did not dare to tar and feather him. Mr. Elliott did come accordingly, and presented himself, at the request of the deponent in different Streets of the town during the Course of that day, and no person attempted to molest him. In the meantime, to the Surprise of this deponent, the Circumstances relating to James Heward, who is overseer of Mr. Elliott had taken place. This deponent knows of no recent offence given by Mr. Elliott, or Mr. Heward to any persons here excepting his moving the Court for the restoration of his Slaves. Mr. Smyth assigns as the reason of the ill treatment Mr. Elliott was threatened with that he had formerly taken an active part with the Indians against the United States. It was on tuesday the twentieth that this deponent wrote to Mr. Elliott, and it was on thursday the twenty second that he Came. On monday the nineteenth in the afternoon this deponent disclosed to the judge the threats which he had understood had been against Mr. Elliott. The judge observed that he could not believe, and did not believe any American Citizen would So much disgrace their Country, that at a time when the United States had so many good Causes of Complaint against the British government, the American government would be particularly

anxious that just Cause of offense Should be given by Americans; that M^r^. Elliott had a right to be a Suitor in the Courts, and to attend in person on his own business, and that while he was So doing, he was under the protection of the laws: that the Americans ought to be cautious how they leagued with disorderly characters who had Come from the British dominions, and that while they Should be ready to Support the Cause of their own government with Spirits, when Called upon, they Should abstain from all illegal and unauthorized Violence. This deponent observed that he did not believe that it would have any influence on the decision, or he Should not mention it, but that he had understood that if the decision were in favor of M^r^. Elliott, the Court were threatened to be Served in the Same manner. The judge replied that it would not influence his decision, and that he Should not go an inch out of his way through fear of any Violence or abuse. The deponent further States that the Said Matthew Elliott was at the Same time defendant in another action in the Said Court in which John Askin was plaintiff, and which was also pending for trial. The language used by the Said Richard Smyth to this deponent Clearly Conveyed to this deponent the idea of the said Richard Smyth being one of those who would interfere if the judgment of the Said Court would be in favor of the Said Matthew Elliott, and who would be one of those who would tar and feather Elliott if he Should come over again, and one of those who would use personal Violence to the Court if the decision Should be in favor of the Said Matthew Elliott. The persons, besides the Said Richard Smyth himself, to whom a clear allusion was made in his discourse, were Charles Curry, William Watson, Austin Langdon, and Abraham Geel, and one or two others whom the deponent does not distinctly recollect. This deponent had always considered the Subject of Slavery as very doubtfull in the Country, and as highly necessary to be Setled by Some judicial decision, but the deponent had no clear idea of what the ultimate decision was likely to be; but after the decision of the case of Denison and Tuckar [sic] the deponent Conceived it possible that the Court might So construe the Common law, or the Statutes of the territory, or the provisions of the treaty as to restore those Slaves of British Subjects who were resident on this Side at the date of the treaty. The deponent however was not Sanguine in his expectations of Success either in the Case of Denison and Tucker,* in which he appeared for the Slaves, and Still less in that of Elliott and Pattinson in which he appeared for the Masters. And further the deponent Says not.

*See Vol. XII, this series, page 511.—H. S. B.

Taken before me the day and year first above written, the Deponent Subscribing the Same in identification in my presence.

(Signed) Augustus
B. Woodward

(Signed.) E. Brush

Territory of Michigan, to wit—

I Peter Audrain, clerk of the Supreme Court of the territory of Michigan, do hereby certify that the within is a true Copy from the files in my office. In testimony whereof I have hereunto Subscribed my name and affixed the Seal of the Said Supreme Court, at Detroit the fourth day of november one thousand eight hundred Seven.

Peter Audrain Clk. S.
(Seal.) C.

A. B. WOODWARD TO THE SECRETARY OF STATE.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

River Raisin,* jan. 1. 1808.

I have this day seen number sixteen of the Essays *on the Evils which have proved fatal to republics,* published in Pittsburgh. I repeat an assurance heretofore given, and I believe with unqualified latitude, that I have no knowledge of, and no personal concern, even to the smallest extent, in any species of speculation whatsoever, in this Territory, or elsewhere. It may for a moment be supposed that I ought here to make an exception relative to the Bank of Detroit. I will lay open to public view the whole of that transaction; including all the other important points which have been noticed. I this day transmit for that purpose a publication for the same press, which I presume will reach the general government, if that which produces it has reached it. I cannot now be too prompt in executing what I have long considered an indispensible duty. I believe it will be useful to the government to possess itself of the facts; and as they go before the public, I will say nothing further on the subject through a private channel.

*Judge Woodward had acquired property on the River Raisin, near the then Frenchtown and modern Monroe, apparently in compliance with the law requiring territorial officers to own one thousand acres of land within their jurisdiction; some of his letters written from here are headed "Monticello," thus reminding us that he was an admirer and protege of Jefferson.—H. S. B.

The country is perfectly tranquil. The Indians have some time since given a definitive answer to the British Government that in case of hostilities between them and the Americans they will not interfere.

I am sorry to see troops called into service here from the walks of civil life. I consider it a useless expence, and as having a tendency to *make* trouble, rather than to prevent it.

Permit me to subjoin my respect

A. B. Woodward.

WILLIAM HULL TO THE SECRETARY OF STATE, ENCLOSING A PROCLAMATION CONCERNING THE CONSPIRACY OF STANLEY GRISWOLD.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Detroit 16th Jany 1808

To the Secritary
of State

Sir

I have the honor to enclose a Copy of a proclamation,* which I have thought it my duty to issue.

By this you will perceive the State of things in this Territory. This state of things, Sir, has been produced under the patronage of Stanley Griswold, the Secretary of the Territory, and as the detachment of the three Companies, subjected the people to some inconvenience, he has availed himself of this circumstance, to inflame their minds, and produce tumult and disorder

I am Respectfully your
Most Obedient Servt
William Hull

PETER AUDRAIN TO A. B. WOODWARD.

[Letters and Papers from the Territory of Michigan,*1 1805-1815.]

Detroit 19 January 1808

Sir:

You should have received by post yesterday a copy of the proclamation of our governor announcing a conspiracy in the city of Detroit. It is not

*[The proclamation above referred was printed in Vol. XXXI, this series, page 606.]—H. S. B.

*1The following is a translation from a letter in French.

necessary to be a sorcerer to divine that it makes allusions to the Commissioners of the land bureau which it designates by the appelation of *unprincipled men;*[*2] At the first glance of the eye I thought that I was included in the number, and I decided to go and ask an explanation on this subject from His Excellency, but some one in whom I have much confidence has assured me that the executive had no suspicions of me personally, and that they did me the justice to believe that I was not interested in any manner with this political Cabal which has agitated the public.

Merciful Heaven! would these political dissensions had never existed; the parties in contention can never derive any advantage from it, but the ordinary citizen must necessarily suffer from it. They must have a poor opinion of us at Washington, or else we are little, or perhaps badly known. Many people desire your return to Detroit and give as their reason that your presence will prevent the inevitable blow which they fear, or that it will, at least, suggest a remedy.

I fear indeed, Monsieur, that in the agreeable life which you are leading at the River Raisin, amid your cheerful surroundings and pleasurable diversions in balls without number which they tender you, you may forget Detroit and its inhabitants.

There is a rumor that you have written a letter to the Minister of War of which a copy has been sent to the Governor and they add that this copy has produced a great sensation; you ought to know better than any one else whether the report has any foundation.

Some one, recently arrived from the post of Vincennes, says that Judge Griffin has applied for the position of Chief Justice of Indiana Territory made vacant by the death of Judge Davis. *Si potes credere crede*[*3]

They do not yet know who is the Governor of the State of Ohio or if Judge Meigs has or has not accepted the position of Judge in this Territory.

Mr. Brush has solicited this office through his friends, and he has told me confidentially that he will accept it with pleasure if it is offered him. Mr. Sibley has not said a word but I believe he also would be pleased to have it.

Mr. Hickman employs his time in making love, and in consequence of his gallantry requires much money.

It appears that Mr. Bates will not visit this country, for very recently he has sent to James Abbott a proxy to adjust his affairs here, and at the

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*[2]These two words were in English in the original.
*[3]Believe if you can believe.

same time informs him that he desires to become an attorney in St. Louis. Will he be a better lawyer than he was judge?

The Military service of our good citizens continues in spite of the rigors of the season, and the noise of drums just four paces from my door compels me to close my letter with assurances of my greatest respect.

Your very humble &
ob^{t} Servant
Peter Audrain

You owe me two letters.

(Endorsed)

The Hon^{ble}
Augustus B. Woodward, Esquire,
Chief Justice of Michigan—
River Aux Raisins

WILLIAM HULL TO JAMES MADISON.

[Original in Bureau of Rolls and Library, Washington.]

Detroit
Feby. 13th: 1808

The Honb^{l}. James Madison
Secretary of State

Sir.

I enclose you a Quebec paper containing, an order of General Craig* From the stile, and manner, of this production, it is easily discovered that he was instructed, in the school of General Burgoyne, he seems to possess, all the vanity, and pomposity, of his prototype, without his knowledge and talents. His half column of high sounding titles, and his general commendation of the spirit of the Militia, connected in the next sentence, with his pardon of persons, (belonging to numerous families), who had been fined and imprisoned for misbehaviour, and insubordination, are evidences, of his vanity, and inconsistency.

*Sir James Henry Craig was born 1748. At the age of fifteen he entered the British Army an Ensign and died a General in 1812. In 1774 he came with his regiment to America and fought creditably through the Revolution; at Bunker Hill he was wounded; at Saratoga promoted to Major. Later he fought with great distinction on the Continent and in India. In 1807 he was appointed Captain General and Governor General of Canada.—H. S. B.

I have the pleasure to inform you, that the public mind in this Territory, has become tranquil. The party which occasioned the agitation, is sinking into contempt, and experiencing the indignation of the people, for the deceptions, which have been practised upon them.

I am respectfully
Your Obedient Servant
William Hull

[Endorsed.]
The Honb^e. James Madison
Secretary of State
Washington.

WILLIAM HULL TO JAMES MADISON.

[Original in Washington, Bureau of Rolls and Library.]

Detroit, June 2. 1808

The Honb^l. James Madison
Secretary of State
Sir,

Mr. [Reuben] Atwater, the Secretary of the Territory has arrived I have taken the necessary oaths, before a Territorial Judge, since which I have administered them to the secretary. I have nothing of consequence to communicate. The Territory is now in a state of tranquility, and I believe, all parties are satisfied. M^r. Atwater appears to be a worthy intelligent man. M^r. Griswold is yet here, and I believe is sensible he has merited the treatment he received.

There never has been a time when the Indians, were more friendly than at present.

Our neighbours, on the other shore, feel, and express much satisfaction at the liberality of our Government, with regard to their trade with the Indians.

I am respectfully
Your most obed^t. Servant
William Hull.

WARRANT SERVED UPON STEPHEN MACK AND R. H. JONES TO APPEAR AND TESTIFY CONCERNING A STREET FIGHT WHICH TOOK PLACE IN DETROIT.

[Original in Bureau of Rolls and Library, Washington.]

Territory of Michigan
District of Detroit } ss

To the Marshal of Said Territory

Whereas information, hath been given to us the undersigned two of the Justices of the peace for the district aforesaid, that an unlawful Riot took place in the City of Detroit on Tuesday the 5th Inst. between the Hours of five and six oclock in the evening by a number of Citizens residing in said City—and in consequence of which unlawful assembly a violent assault and Battery took place between William and David Robertson Abijah Hull and James MacCloskey —

These are therefore to require you to summon Stephen Mack and R. H. Jones to appear at the office of Geo. McDougall Esqr.* forthwith to testify

*George McDougall Jr. was sheriff of Wayne county in 1796, but sold out or assigned his office to Herman Eberts, Dec. 23, the same year. The following is a list of the public offices he held under American rule:

He was Sheriff of Wayne county in 1800; delegate to the 2d Assembly of the Territory of Indiana in 1801; Aid-de-camp to the Commander in chief (Governor Hull) in 1805; Chief justice of the district court for the district of Huron and Detroit in 1807; Judge of the Probate Court in 1809; Member of the Committee on Night Watch to protect the City against the Indians, in 1811; Colonel and Adjutant General in Militia in 1812; Justice of the Peace, 1814; Auditor of Public Accounts, 1814 to 1817; Public Auctioneer, 1816; Trustee of the City of Detroit, 1816; Clerk, pro tem., of the Supreme Court, 1819; Clerk (Secretary) of the City of Detroit, 1820.

There are many letters and documents showing that he resided in Frenchtown for some years, but he considered Detroit as his home until he moved to St. Clair, as noted below.

In 1810 he was foreman of the Grand Jury that "presented" the United States Judges Woodward and Witherell, and Gov. Hull for tyrannical conduct in office. A case of considerable importance, Veronique Campau vs. Charles Poupard, involving the title to a large tract of land then near, now within, the City of Detroit, was pending in the Supreme Court in 1810. Some action or decision of the Court offended McDougall, and he proceeded to abuse the judges, by letters and remarks. For this he was charged with contempt of Court and cited to appear and purge himself or receive punishment. At this time he was a member of the Grand Jury. The hearing did not take place until the tenth of October, and on that day, he was able to clear himself to the satisfaction of the judges, and was discharged. He was not admitted to the bar until October 11, 1811. During the war he took an active part as an officer in the militia, but upon the assumption of civil power by the British general Proctor, he, in common with others, protested against the actions of the invaders. Proctor ordered McDougall and many others to leave the territory. Many of them were forced to leave their families and property behind them to seek temporary homes in the States. McDougall asked Judge Woodward, who was certainly not his personal friend, to intercede for him with the British governor.

upon oath what they know relative to the aforesaid Riot and assault and Battery between the Persons aforesaid.

Given under our Hands at Detroit this sixth day of April Anno Domini eight hundred and eight

Sign[d] James May
J. P. D. D
Geo. McDougall
J. P. D. D.

Served
W[m] Scott
Marshal—

Major Stephen Mack Sworn, deposeth and saith that yesterday afternoon tuesday 5[th] Instant deponent was called upon by David Robertson to relate a difference twixt William Robertson and Abijah Hull which not being attended to deponent returned to play at Qoits, shortly afterwards deponent turned round and saw William Robertson strike said Abijah Hull with a stick immediately afterwards James MacCloskey and David Robertson got to blows but does not know who struck first—does not know that Richard Smith esq[r] struck any of the aforesaid parties

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McDougall was not a married man and had no especial ties to bind him to the place. He pleaded physical decrepitude and illness and was successful, so that the order of expulsion was avoided in his behalf.

In 1815, we find him engaged in some quarrel for which he was indicted, tried, convicted and fined $41.67 by the Supreme Court. A few days later the following entry appears in the records of the Court:

"In the matter of the motion to strike out of the roll George McDougall for using repeatedly, and after admonition, scandalous and irrelevant matters both in written pleadings and in oral arguments, the Court allow, on motion of William Woodbridge, that the said scandalous and irrelevant matters be expunged from the record and order that the said George McDougall be suspended for twelve months from this day."

McDougall appealed to the clemency of the Court and a few days later the term of his suspension was shortened one month.

Another order was entered January 10, 1817, as follows: "On motion of George McDougall, who presented and filed a written attest from the members of the Michigan Bar, the suspension ordered by this Court on the fifteenth of December (November?) last, is rescinded." This petition was signed by the prominent lawyers of the city, Solomon Sibley, William Woodbridge, John L. Leib, and Charles Larned.

There were other public troubles besides those recited, in which McDougall was involved in his time, but sufficient has been shown to indicate that he was self willed, irritable and hard to get along with. He was quite popular among the French citizens and as he wrote and spoke both French and English with equal fluency, his services were in great demand by the farmers in the settlement of their land titles —then the chief subject of employment for the lawyers. As above stated, he never married, but as old age began to deprive him of his usefulness as an attorney, he sought and obtained the position of light-house keeper for the government, on the St. Clair river and retained the position until his death, sometime after the year 1833.—C. M. B.

but saw Mr. Smith pull Abijah Hull from off William Robertson and assisted in parting said MacCloskey and David Robertson—

Question by Mr. May did the Marshal use every exertion in dispersing the people assembled? Answer when he first came up he endeavoured to disperce them but finding he had a hard Job of it deponent heard the Marshal say since he could not disperce them and they would fight let them have fairplay—as soon as the fight ended the Marshal ordered them to disperce and they all retired peacibly.—

R. H. Jones sworn [sic] the first he saw of it was William Robertson who made the assault first on Abijah Hull with a Stick and the first he saw of the other affray was David Robertson falling backwards, but did not See James MacCloskey Strike him before that—

corroborates the Testimony of Major Mack.—

= except as to conversation alluded to above—

A. B. WOODWARD TO WILLIAM HULL.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

Augustus B. Woodward.
Chief Justice of the
Territory of Michigan—

Detroit 30th April 1808.

Sir—

I have received a commission from the President of the United States, as Governor of this Territory for three years from the first day of March last—

If it is not convenient for you to come to Detroit I will call on you at the River Raisin for the purpose of taking the necessary oaths.—I request you to inform me by Mr. Scott the Marshall, who will have the honor to deliver you this letter, whether it will be convenient for you to attend here; If it is not I request you to inform me whether you consider yourself authorized to administer the necessary oaths in this case—while Ohio was a territorial Government, I am informed it was the practice for a Judge of the Territory to administer the Oaths to the Governor; and I will only further state to you that the present Secretary of State gave it as his opinion, that any Judge, appointed by the authority of the United States, had a right to administer the Oaths in cases like this, and that all legal purposes were answered when administred in this manner—Altho I am very desirous to visit the River Raisin, yet at the present time it is very inconvenient, and no other consideration, but public duty

would be an inducement—It is for this reason I am desirous of knowing explicitly whether my object will be answered, before I undertake the Journey—

I am your most obed^{t} serv^{t}
(Signed)
William Hull

A. B. WOODWARD TO WILIAM HULL.

[Original in Bureau of Rolls and Library, Washington.]

His Excellency
General William Hull,
Governor of the Territory
of Michigan.

La Rivière aux Raisins;
May 2. 1808.—

I have the honor, Sir, to acknowledge the reception, through M^{r}. Scott, the Marshall, of your letter of the thirtieth of April, announcing to me the intelligence of your having received a commission, from the President of the United States, as Governor of this Territory, for three years from the first day of March last; and applying to me to administer the necessary oaths.

In tendering to you, Sir, my congratulations, on this renewed testimonial of the confidence of your country; permit me to assure you of the sensible pleasure, with which I should execute so honorable and gratifying a task as that of Administering to you the oaths, which are required to precede your exercise of the functions of that office. Instead, Sir, of giving you the inconvenience of attending where I reside; I should deem it an attention, due not less to your station, than your personal merit, to render myself, for that purpose, without the least delay, at that place which would be the most convenient to yourself.

The information, which your letter contains, that under the government of the Territory North West of the River Ohio *it was the practice for a judge of the Territory to administer the oaths to the Governor,* I have no doubt is perfectly correct. Indeed the same practice, or at least one to which a similar difficulty may attach, must have prevailed, both under the government of the Territory of the United States South of the River Ohio, and in the Territories of Indiana and Mississippi; for, in those Territories, as well as in the present Territory of Michigan, the legislative

provision requires the oath of office to be administered by an officer who has ceased to exist since the third day of March 1789, to whom the present government exhibits no legitimate successor, and in substitution of whom no other officer has been since designated by law. In the Territories of Orleans and Louisiana legislative provisions have been made on this subject. In this Territory also a legislative provision has evidently been contemplated by one branch of the Congressional body. The tenth section of a Bill, passed by the House of Representatives of the United States in 1806, contains the following provision. *"The oaths of office of the Governor of the said Territory; and of the Judges and Secretary thereof, may be administered by any person holding a judicial office under the government of the United States."*

You also inform me, Sir, that the present Secretary of State gave it as his opinion, *that any judge, appointed by the authority of the United States, had a right to administer the oaths in cases like this; and that all legal purposes were answered when administrated in this manner.* I am penetrated with the highest respect for the opinion entertained by the Secretary of State on this, or on any other subject. The responsibility however here rests on me; and, if in this, or any other instance, I err, the approbation of that officer, however, consolatory to my feelings, cannot screen me from censure, or *justify me in assuming a power to execute an act which the law has not allowed me to perform.*

In a *republic*, where there is *no law*, there is *no power;* and every act of authority, not given by the law, though it may vary greatly in the degree of impropriety, is not the less *an act of tyranny*, and a usurpation of the rights of those who are constitutionally regarded as equals. If, in some cases of extreme inconvenience, *legislative* and *executive* functionaries have exercised powers, which it required subsequent approbation to legitimate; they will afford neither *justification* or *apology* for a similar liberty in a *judicial* officer. For him, a line is drawn, definite, clear; and which *he should never dare to pass.*

A citizen of a republic, an officer of it; sworn to support its constitution; commissioned, as well as sworn, to execute the official functions it confides to me *according to law;* I cannot, Sir, undertake to administer the oaths you request, unless I am convinced my country has imparted to me power and permission so to do.

If such power exists it must be sought in one of two sources; *either the common law powers appurtenant to the judicial office; or some legislative provisions of the Congress of the United States.*

The powers appurtenant to the judicial office, relative to the administration of oaths, according to the course of the common law, are perhaps

concisely, but comprehensively stated, in the second, and in the third institute, of SIR EDWARD COKE.

"No ancient oath can be altered, or new oath imposed, without an act "of parliament; nor can any oath be administered by any, that have not "allowance by the common law, time out of mind, or by an act of par-"liament."

Hence, in the United States of America, if a statutory provision requires an oath, and states not the authority which is to administer it, the idea is perhaps correct that a *judge* may administer it.

The Constitution of the United States, as an example, requires a particular oath in the Chief Magistrate of the Nation; but both the Constitution, and Laws of the United States, are silent as to the authority which is to administer it. Accordingly the oath of the first President of the United States was administered by the chancellor of the State of New York; and of the present by the Chief Justice of the United States.

But where a statute requires an oath, *and states the authority which shall administer it*, I imagine no other authority than that stated will be competent to admister it.

Some examples, Sir, may render this point more clear.

The Congressional Ordinance of 1787 requires the oath of office of a *judge* to be administered by the *Governor* of the Territory. *Has then any other officer a right to administer it?*

The same ordinance requires the oath of the *Secretary* to be administered by the *Governor* of the Territory. *Can then another person administer it?*

Similar are the more recent statutory provisions with respect to the legislative councillors, judges, and Secretary of the Territory of Orleans; and with respect to the Judges and Secretary of the Territory of Louisiana.

An act of Congress requires the oath as a Senator or Representative to be administered by the constitutional prolocutor of the branch to which he appertains. *Could a judge with propriety administer those oaths?*

So it is required by law that the oath of a Marshall of a District shall be taken before a District Judge.

In these, and perhaps all similar cases, where a statute prescribes a particular person, officer, or *mode*, by which an oath is to be administered; the common law power, incident to the judicial office, is entirely dormant.

The propriety of the *practice* which has prevailed in the Territory North West of the River Ohio, and probably in the Territory South of

that River, as well as in the Territories of Indiana and Mississippi, as constituting a chain of precedents, will perhaps entirely depend on the propriety of the construction, given to his powers, by *the first officer* who, in these cases, has undertaken to administer the oath of office. I am not to forget, that it is a *maxim*, in that system of jurisprudence, which my country has thought proper to adopt; *quod instio vitiosum est tractu temporis non convalescit.*

A legislative provision having specified an officer for the execution of a particular act, and a remedy remaining unprovided for the defect which is created by the subsequent annihilation of the officer himself; for a *judicial* character to prescribe who shall exercise the function with which he was thus charged would be a complete exercise of *legislative* power.

It is perhaps a question worthy of serious consideration how far a submission to an inconvenience, *whatever consequences may result*, is not preferable, *in a republic*, to any remedy which an *assumed* power may apply. In the one case, the peculiar energies of the system of government bring a *certain*, though sometimes a *tardy* remedy. In the other, *the public liberty is invaded;* and while a temporary and subordinate inconvenience may be obviated, the seeds of a deadly and fatal disease are nourished in the vitals of the republic, which may prove the destruction of its constitution and government.

If, on the occasion, the ordinance had ever been silent as to the person assigned to administer the oath, and a judge had therefore, perhaps with propriety, been in the practice of administering it, yet, if a legislative provision should be made vesting that power in an officer not of judicial character, and such regulation, from an incident similar to the present, should become inoperative; *the common law power to administer the oath would be entirely destroyed*, by the *interruption* of that *continuity* of *duration*, which the ancient, but forcible expressions, of *time out of mind*, and *time whereof the memory of men runneth not to the contrary*, necessarily pre-suppose.

I am therefore of opinion, Sir, that I have not the power to administer to you your oaths of office, under this commission; and that no judge of this Territory is possess'd of that power. No judicial commission, more directly appertaining to the government of the United States, appears to me to confer this power. The President and Vice President of the United States, or the Speaker of the House of Representatives, are probably alike destitute of it, as not being the officer spoken of in the ordinance of 1787, under the appellation of *the President of Congress;*

an office emanating from the *ninth* of the articles of CONFEDERATION, and terminating with the frame of government constituted by those articles.

In short, Sir, the law requiring the oath to be administered by a particular officer, that officer having ceased to exist, and no provision being made for the exercise of the function with which he was charged, it appears to me that *no person* now possesses the authority; and that if you act, Sir, under the commission, without the oath, you throw yourself on a general responsibility to your country for not performing a duty, the *non-performance* of which is not attributable to the least neglect in yourself, but the *performance* of which, in a *legitimate*, which can be the only *availing* mode, is rendered *impossible* by the legislature itself.

I have the honor to be,
Sir,
with sentiments of the highest respect,
Your obedient servant,
(Signed)
A. B. Woodward.

WARRANT FOR THE ARREST OF WILLIAM ROBERTSON, DAVID ROBERTSON, ABIJAH HULL AND JAMES MAC CLOSKEY.

[Original in Bureau of Rolls and Library, Washington.]

Territory of Michigan } ss
District of Detroit }

To the Marshal of said Territory.

Whereas information upon Oath hath been made to us the undersigned Justices of the peace for the District aforesaid. That William and David Robertson—Abijah Hull and James MacCloskey Citizens in the said District on Tuesday Evening the fifth Instant at the City of Detroit, in a tumultuous manner made an affray, wherein the persons of the said William and David Robertson—Abijah Hull and James MacCloskey were beaton [sic] and abused by each other—to the evil example of all the good Citizens of this Territory and contrary to the Statute Laws of said Territory in such case made and provided—

These are therefore to command you in the name of the United States —forthwith to apprehend the aforesaid William Robertson David Robertson Abijah Hull and James MacCloskey and them bring before us to answer unto the said information upon Oath and to be further dealt

with according to Law herein fail not and of your doings make due return.

Given under our Hands at Detroit this sixth day of April A. D. 1808.—

Sign[d]

James May
J. P. D. D.
Geo McDougall
J. P. D. D.

On the within
warrant I have
taken the bodies
of David Robertson
James Mac Closkey
Abijah Hull

J[no]. Meldrum
D[ty]. Marshal

On the same day the Justices proceeded to the examination of David Robertson who refused to answer, and proceeded to insult and abuse Justice McDougall by saying he would not be examined by such a *damn[d] Rascal,* aledging that he (McDougall) was a *Fool, Knave* and a *Forgerer,* and other gross and abusive language holding at same time his fist up to the face of said Justice—The Justices thereupon ordered the said David Robertson into the custody of Marshal to be safely kept untill he find Bail himself in the sum of $500. and his sureties in $250 for his appearance at the Supreme Court next to be holden for the Territory of Michigan and in the mean time to keep the peace towards all the good citizens of the United States. *Vide committm*[ ]

TO A. B. WOODWARD FROM PETER AUDRAIN.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

The Hon[ble]
Judge Woodward

Detroit 8 April 1808

Sir

Agreably to your wishes I have procured the book of the Statute laws of Connecticut, and do embrace the first opportunity (by Mons[r] Alexis

Loranger) to forward it to you; please to inform me if you have received it.

I also inclose the affidavit of Cap[t] James Anderson, respecting his suit against Sam[l] Grimes.

By the last mail our Governor rec[d] a letter from the Secretary of State acquainting him with the removal of Stanley Griswold, as Secretary, and directing him to receive from said Griswold all papers, books, materials etc belonging to the office of the territorial Secretary—Griswold received per said mail a similar communication from M[r]. Madison; and at this moment the territory of Michigan is without a Secretary, and no executive act, requiring a Countersign, can be executed.

I have seen & read a letter of a member of the Senate (M[r]. Tiffins) to M[r]. Geo: Hoffman, informing him that the President had nominated to the Senate *Reuben Attwater,* of Vermont for Secretary & Collector, and William Hull, for Governor; and *that opposition would be made to the latter,* but he supposed it would pass. The letter is of the 11. march. In a letter of *Greely** to James Abbott, the nomination above mentioned was sent to the Senate on the 20[th] February; and no decision of the Senate was heard of when the last mail left Washington. M[r]. Madison, as I am informed, says not a word on the subject to the governor in his last communication. *Greely's* return hither is expected hourly. Not a word is said about judges of the territory.

This unhappy place is more than ever torn by factions, assaults, batteries. The Magistrates have been these several days buried in binding people to keep the peace. My persecutor McDougall has sworn the peace against Hoffman & Hickman,[1] a trial has been had before Justice May the result of which is that McDougall has waived his prosecution against Hoffman, and his giving his word of honor that he would not whip him for 12. months; I do not know yet what has been done with Hickman, but I believe that the prosecution is dropt altogether.

You are far from the fracas, and enjoy peace & tranquillity.—*Bonam partem elegisti.* That it may always be so, and that you may enjoy health and happiness is the Sincere wish of

Sir Your very humble Servant

Peter Audrain.

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*Aaron Greeley, a prominent surveyor at Detroit at this time.

[1]Capt. Harris Hampdon Hickman, a lawyer of Detroit at this time, and afterwards appointed collector of customs at Mackinac.

A RECEIPT SIGNED BY HARRIS H. HICKMAN FOR CERTAIN ARTICLES BELONGING TO THE OFFICE OF THE SECRETARY OF THE TERRITORY.

[Original in Washington, in Bureau of Rolls and Library.]

Detroit April 19th 1808.

Received of Stanley Griswold Esquire late Secretary of the Michigan Territory, the following Articles, belonging, to the office, of, Secretary, of said Territory, Viz,

"Six Bundles of papers, the Origanls [sic] of the Executive acts,
One Territorial Seal with case,
One Book of Records of Executive acts
One File, of the Original Laws, of Michigan
One Screw, Press, Mounted,
One Book of Treasury warrants,
One inkstand, One hundred Quills,
One half Ream, folio Post paper
One Ream Fools-cap paper
Three quires of Letter paper, two Sticks, of Sealing wax
One Box of wafers, four papers, ink powder two Sticks of tape, One pencil,
One Volume of Laws, of the United States
One Desk, One Table, One Trunk,
Six Chairs, and One Candlestick,"

Harris H. Hickman
For. Wm Hull
Govr of Michigan

STANLEY GRISWOLD TO JAMES MADISON.

[Original in Bureau of Rolls and Library, Washington.]

Detroit 20th April 1808.

Sir,

Your letter of the 16th ultimo, apprizing me of the revocation of my commission as Secretary of the Territory of Michigan and enjoining me to deliver the papers and property of that office to the Governor, was

received on the 6th instant, and the injunction has been complied with. A Receipt of the Governor, by his Agent who was authorised for that purpose, is enclosed.

I am, Sir, respectfully,
Your most obedient and humble Servant,
Stanley Griswold,
late Secretary of Mich. Tery.

Hon. James Madison,
Secy of State

[Endorsed.]
Honorable James Madison
Secretary of State,
Washington City.

JAMES MAY TO A. B. WOODWARD.

[Original in Bureau of Rolls and Library, Washington.]

Saturday Evening 9 OClock
Detroit April 30th 1808.

Sir.

The Marshal William M. D. Scott* Esqr. called upon me this evening at a late hour and requested I would prepare a copy of the proceedings against David Robertson at same time he shewed me a Writ of Habeas Corpus directing him to bring the Body together with the cause of detention before you on the 2d May next—I must confess Sir, I was much surprised at the requisition of the Marshal well knowing that David Robertson was not in custody nor has he been for this some time past, this afternoon about three or four OClock he past my House on Horse back riding down towards the spring well—How the Marshal can reconcile to himself the business of suffering him to go at large is best known to him after the flagrant abuse he (Robertson) gave to Mr McDougall whom I calld to my assistance in consequence of my infirmity in not hearing well enough to examine the parties concerned in the affray. Altho no writ has been sent to us to forward the proceedings and the marshal having in his possession the committment which states the cause of said Robertson detention; I have nevertheless thought proper to order Mr Burnett† to copy them for your private satisfaction—you will Sir,

*For account of imprisonment of Dr. William McDougall Scott see Mich. Pion. and Hist. Colls, Vol. XV, pps. 406, 426.

†John Burnett was a son of the William Burnett, a sketch of whose life appears in Vol. XXX, page 85.—C. M. B.

perceive by them that M^r^. Robertson is required to enter into a recognisance to appear before the Supreme Court of the Territory, the reason why I wish^d^ he should appear before that Court, in preference to the District Court is because his conduct while before us was beyond any thing I ever before experienced since I have fill^d^. the office of a Justice of the peace, and from being well convinced of the necessity of the cause being taken up in a very serious manner, otherwise we may bid adieu to all order etc. you are not ignorant Sir, that a set of Men exists in this country who would if in their power subvert all Law good order etc etc. I had for some time refused to act in consequence of my not hearing well enough, nor should I, have done it at present had not some very flagrant breaches of the peace lately been committed and the Justices timorous of doing their duty, perceiving that the public peace and tranquility was disturbed more and more daily,—I came to a determination of excising the authority vested in me to put a stop to further proceeding in doing of which I believe I have gained a few enemies be that as it may, I shall and ever will while in office do my duty in checking abuses of that nature without fear favor or affection for any person, relying in full confidence at same time that nothing whatever will be wanting on your part Sir, to support the Civil Magistrate in the lawfull execution of his duty, by chastising conformable to the Strict letter of the Law all persons guilty of each flagrant abuse and I presume M^r^. David Robertson from his stand in life is as fit a person to make an example of as any I know. what Sir may be expected from the Rabble if Gentlemen of his sort will undertake, to abuse a Justice of the peace in the execution of his duty in the manner he has done, and that in the presence of a great number of Spectators in my House.

It is well known that I have no particular friendship for M^r^ McDougall nothwithstanding which the high sense I have ever entertained of due respect being paid to the civil authority. I should be very sorry to see him or any other Justice so grosely insulted in the manner he was by *Robertson*, and suffered to pass unpunished. I do not Sir state this with the view to influence your mind against that Gentlemen I well know you would not suffer it, I, merely state to you the great necessity there is of some example being made, otherwise as I before observed adieu to all good order, for my own part I do candidly confess that I never in my life discovered so great a subversion of good order equal to what as lately taken place in this Town and that by characters who are not Ignorant of the serious consequences of the Law on such occasion.—

It is Sir, a lamentable circumstance, that we cannot have the pleasure

of your presence at this place because we are deprived of the assistance of your extensive knowledge of the Law, it is needless for the justices to apply to attorneys for instructions, they are generally, retained on one side or other, of course will not give that candid advise which men like myself require, it is very well known that the Justices of this place are not *Scientifick Characters,* therefore very often for want of such a person to advise with they subject themselves to inconveniences which would be avoided if they could obtain the necessary information to govern them in their proceedings. I presume that the Writ of Habeas Corpus in the present case as been demanded perhaps from some informality of the Justices altho. I candidly confess I cannot discover what point it is should that be the case you will please inform me

I am respectfully

Sir

Your most obedient Servant

James May

[Endorsed.]

To the Honb[le].—

Augustus B. Woodward

Chief Justice

of the Territory of Michigan

River Raissin

District of Erie—

A. B. WOODWARD TO JAMES MADISON.

[Original in Bureau of Rolls and Library, Washington.]

River Raisin, may 7. 1808.

Finding the conduct of the party, in the recent application for an habeas corpus, to be extremely reprehensible; I deemed it more reasonable to require his attendance here. If the least curiosity should exist as to his case the enclosed papers will elucidate it.

I have the honor, Sir, to enclose copies of a letter to me from Gen[l] Hull, and of my reply;

and have the happiness to be, Sir
with the highest respect,
Your obedient Servant,
A. B. Woodward.

The hon.
James Maddison
Secretary of State.

[Endorsed.]
The hon.
James Maddison,
Secretary of State.

WM. HULL TO JAMES MADISON.

[Original in Bureau of Rolls and Library, Washington.]

Detroit
June 4. 1808.

The Honb[l]
James Madison
Secretary of State

Sir.

I take the liberty to enclose the copy of an address to the citizens of the Territory of Michigan, on entering into the duties of my office, as Governor, under my new appointment. We have no press in this Territory, and I ask you, Sir, to be so kind, as to send it to the printer of the National Intelligencer for publication. Hitherto, I have made no

answer to all the calumny, and falsehood, which has been published against me. I hope the few observations contained in the address, will be considered as properly applied and as much as the occasion requires.

I am respectfully
Your most obedient servant
William Hull.

[Endorsed.]
The Hon[l].
James Madison
Secretary of State
Washington City

ADDRESS OF GOVERNOR HULL.

[Letters and Papers from the Territory of Michigan, 1805-1815, Dept. of State, Washington.]

Address of his Excellency William Hull Governor of the Territory of Michigan entering upon his official duties the twenty seventh day of May one thousand eight hundred and eight.

Fellow Citizens
of the Territory of Michigan:—

In entering on the duties of my Office under a reappointment as Governor of this Territory I experience all those grateful sensibilities which the renewed confidence of my Country can inspire. Feeling a deep interest in the prosperity of the Territory I promise the Devotion of my best talents and unceasing exertions to promote it. It is painful to remember all the scenes which have past, it is unnecessary to detail the causes which have produced them. they have been fully investigated by a virtuous and discerning administration and a prompt and effectual remedy has been applied. In future it is desireable they may be remembered as a warning to others, on my public conduct alone I have wished my public character to rest—The laws which have been adopted are published and all my executive proceedings are on record and are semi-annually transmitted to Congress—with a perfect knowledge of the manner. I have discharged my public duties a reappointment has been made, and I shall trouble my fellow Citizens and the world with no other answer to all the Calumny which has been so copiously and industriously circu-

lated against me than the renewed mark of public confidence, with safety I might appeal to the candor and Justice of my fellow Citizens who have witnessed all my conduct—I might ask them whether there existed the least foundation for a single charge published against me, whether they knew of a single act of oppression in the whole course of my administration, whether if any instance I have erred it has not been on the side of humanity and tenderness—and finally whether they have not good grounds to beleive that all the disturbances in the Territory have been raised by a few unprincipled men for their own advancement without any regard to the public interest.—Independence of sentiment and a spirit of free enquiry are congenial to the principles of a republican goverment such a spirit conducted in a decent firm and manly manner ought ever to be encouraged, but when it degenerates into scurrility and abuse and has no other object than the gratification of party rage and self interest it becomes odious and detestable—That the Officers of the Goverment may feel and manifest by their conduct a sincere desire to promote the public interest that plain practical system may be adopted, such as have been sanctioned by time and tested by experience, and that people may be disposed to cooperate in their measures and that harmony and good will may in future prevail are the sincere wishes of my heart. A recollection of the dessolation of this town at the time when the Goverment commenced and the distresses to which the people were then subjected and a consideration of it [sic] present situation and the conveniences with which they are now surrounded affords cause of congratulation.—However improbable it may appear yet it is verified by the fact that it is at this moment more valuable than before its destruction by fire, and that more improvements have been made in less than three years than a century before had produced. This is an honorable testimony of the industry and exertion of the people; and the stockades and Block-houses, erected for the safety and protection of this remote and exposed frontier will remain as monuments of the patriotic labours of our Militia.—I am happy however to inform you that those patriotic labours will be remunerated by the Justice and liberality of the nation, the treaty lately concluded with the several nations of the Indians will have a very important operation on the situation of this territory, without this the Country must have remained nearly in the same state it is at present an extensive and valuable part of the territory will now be opened for settlement and improvement on this cession are very valuable improvements to which the Possessors had no legal title for a liberal adjustment of their claims they may rely with confidence on the equity of Congress.—

If our Country should be preserved in peace a wide field will be opened for advantageous improvements.—Our population will undoubtedly rapidly increase and such strength will be added to this exposed frontier as to free the people from future alarms or any apprehension of danger.—That the blessings of peace will be preserved we have great reason to hope from the wise and temperate measures of our goverment. It is one of the peculiar felicities of our Country that no motives of ambition, no consideration of pride will ever involve us in the horrors of War. Contented with the limits of our Territory there never can be a wish to enlarge them by any Act of encroachment and at the expence of the blood of our Citizens, possessing at the same time a spirit of independence and a Just sence of their national rights no goverment and no people with more cheerfullness would meet the dangers to which they might be called by such an occasion. In the preservation of their independence they would manifest the same spirit which was displayed in its acquisition. Fortunate Country. Fortunate people may such a spirit ever be nourished and may such institutions be patronized as will insure a continuance of your invaluable blessings.—From the numerous Tribes of Indians under my superintendance I have received the strongest possible assurances of Friendship and good will to the United States, this is to be attributed to the Justice and benevolent policy of our goverment towards them. I have lately received a number of Speeches from the President of the United States to them which have been interpreted and impressed on their minds, in them the views of the goverment are clearly described. The line of conduct proper for the Indians to pursue in the event of War clearly pointed out, that they are to remain quiet spectators of our quarrels if we should have any that we do not wish them to waste their blood in fighting our battles: that we are sufficiently strong without their assistance and warning them in the most forcible language, of the dreadful consequences of raising the hatchet against us, this language has had a powerful effect and I have reason to beleive they are generally inclined to follow the advice.—Among the laws which have been adopted since the commencement of this goverment none have met with the disapprobation of Congress, except the one establishing the Bank of Detroit, to this law I gave my assent, it was done from the same motives which have influenced all my public conduct, I beleived it would give facility to the commerce and business of the Territory and promote the public interest. the goverment from which I derive my authority have thought differently and have disapproved the law, it therefore is void. It was

well understood by the stockholders to be subject to that contingency, a private institution has since been established in the same building under the direction of some of the same officers and the bills appear and are in circulation in the form of Bank Bills they are signed by a President and cashier payable to bearer and pass without indorsement. The goverment of this Territory have no knowledge of any of its concerns, as the principles on which it is established, unless what appears on the face of the bills, on them a promise is made that they shall be paid by the President and Directors out of the Capitol stock and funds and the stock holders Jointly and severally garrantee the payment at their Office of Discount and Deposit at Detroit. The amount of the Capitol stock who are the stock holders what quantity of Bills are in circulation are circumstances unknown to the goverment and of which by law they have no right to demand information.

In some of the Original States laws have been enacted to restrain private Banks, in some of the goverments of Europe they are considered useful institutions and are rather patronized than discouraged, since this establishment a sufficient number of Judges have not been present to form a legislative board—the expediency of adopting a restraining law or any other regulations on the subject will be for consideration of the Legislature whenever a Board shall be formed.—As the first Magistrate of this Territory and feeling the highest respect for the opinion of goverment from which I derive my Authority and as the present operation may have the same effect as the original institution which has been disapproved by that Goverment I have considered it my duty to make this public communication, at the same time it is a Justice due to those who have the dir[ec]tion of this business to declare that no instance of a want of good faith or punctuality in fulfilling their engagements has come to my knowledge, and from their respectable characters there is every reason to expect it will be conducted with honor and fidelity—The question rests with the legislative authority of the Territory and if the privilege is allowed [to] one Individual, or to a Company without any restrictions or regulations it must be common to all our Citizens. It is unfortunate my fellow citizens, that for a year past we have had only one Judge in the territory and have been unable to exercise the legislative Authority it is to be hoped the difficulty will soon be removed and we shall be in a situation with union and harmony to adopt such regulations as will promote the public Interest, during this period none of our duties as Commissioners under an Act of Congress entitled an Act to

provide for the adjustment of titles of land in the Town of Detroit and territory of Michigan and for other purposes could be performed Individuals entitled to donations under this Act have been subjected to inconveniences and the Territory has been deprived of the bounty contemplated by the Goverment, for the Erection of public building—By a Statement of the accounts of the Treasurer which may be seen by any of the Citizens at his Office, or the Office of the Secretary of the legislative board there appears to be a balance of about Six hundred dollars in the Treasury unappropriated.—While it will be a pleaseing circumstance to the people to know that they are free from Debt and have money in advance it will afford a strong evidence of the economy with which the affairs of the Territory have been managed, especially when they consider that the taxes have been light. Our Goverment is yet in its infancy: it has not arrived to the age of three years, If nothing had happened to impede its growth from its age it must have been feeble and weak since its birth it has been seized with convulsions and terrified by the Tomahawk and scalping knife.—In addition to this it has felt the diseases which have agitated other parts of the world, under all these circumstances the most that could have been expected was the preservation of its life, if convulsions have now ceased and it appears to be gaining health, some of the old Physicians have been dismissed and new ones called in more skillfull it is to be hoped than the old—It will now be necessary to inspire it with moral health to impress it with sound principles of religion and morality to make every necessary provision for its safety and to lay a solid foundation for the important destinies which await it—In the performance of this arduous and important duty I invite my associates to engage with harmony and zeal and who are interested in its welfare to cooperate with candor and liberality.—May 27th 1808.—

William Hull.

Territory of Michigan

District of Huron and Detroit

This Certifies that the foregoing are true Copies of the Executive proceedings as the same is Recorded in the Book of Records in the Territory aforesaid.—Detroit July 6th 1808.

Reuben Attwater

Secy. of the Territory Michigan

COMMISSION* TO H. H. HICKMAN.

William Hull Governor of the Territory of Michigan

To all who shall see these presents Greeting Be it Known that reposeing special trust and confidence in the Patriotism valor, fidelity and abilities of Harris H. Hickman Esq^{r}. I have appointed him Aide Camp to the Commander in cheif of the Territory of Michigan with the rank of Lieutenant Colonel he is therefore carefully and diligently to discharge the duty of Aide Camp by doing and performing all manner of things thereunto belonging. And I do strictly charge and require all Officers and Soldiers under his command to be obedient to his orders as Aide Camp. And he is to observe and follow such orders and directions from time to time as he shall receive from the President of the United States of America or the Governor of the Territory of Michigan for the time being, or the General, or other superior Officer set over him according to law and military rule and discipline. This Commission to continue in force dureing the pleasure of the Governor of Michigan Territory for the time being.—

In Testimony whereof I have caused these letters to be made patent and the seal of the Territory of Michigan to be hereunto affixed—Given under my hand at Detroit in the Territory of Michigan the twelfth day of June one thousand eight hundred and eight.—And of the Independence of the United States of America the thirty second.—

William Hull

By the Governor
Reuben Attwater
Secretary of Michigan Territory

COMMISSION TO PORTER HANKS.†

Territory of Michigan to wit.—
William Hull Governor of the Territory of Michigan
To all who shall see these presents.—Greeting
Be it known that reposeing special trust and confidence in the integrity

*[This commission was printed on page 612 of Vol. XXXI, but so incompletely and inaccurately, that it is here repeated.]—H. S. B.

†Porter Hanks was an officer in the army, and was in charge of the fort on Mackinac Island at the time of its surrender to the British in the early part of the war of 1812. He was parolled and proceeded to Detroit. A court martial was called to investigate the actions of Hanks in surrendering Mackinac. This investigation was in progress in the fort at Detroit on the morning of August 16, 1812, when the British commenced firing on the town. A cannon ball penetrated the fort and killed Hanks and a number of others.—C. M. B.

knowledge and diligence of Porter Hanks of the Territory of Michigan, I have appointed him a Justice of the Peace in and for the district of Michilimackinac, and do authorize and empower him to execute and fulfil the duties of that Office according to lau [sic]: To have and to hold the said Office with all the powers, privileges and emoluments to the same of right appertaining from the day of the date hereof dureing the pleasure of the Governor of the Territory for the time being. —— In Testimony whereof I have caused these letters to be made patent and the Seal of the Territory of Michigan to be hereunto affixed.—Given under my hand at Detroit in the Territory of Michigan the fifteenth day of June one thousand eight hundred and eight. —And of the Independence of the United States of America the thirty second.—

William Hull

By the Governor
Reuben Attwater
Secretary of Michigan
Territory

FROM WILLIAM HULL TO REUBEN ATTWATER.

Detroit 13 June 1808.—

Reuben Attwater Esquire
Secretary of the Territory
of Michigan

Sir.

In page ninety six of the Executive proceedings I find the following record.—On the twenty fourth day of July one thousand eight hundred and seven, the Governor received the following communication from James Abbott Esquire To wit. Detroit 24th. July 1807.—

Sir.—

Haveing received through the Secretary of the Territory a Copy of your Note of the 20th instant remoeving me from the Office of Major of Legionary Corps, and of Lieutenant Colonel by Brevet, finding no cause specified for so doing and conscious that none exists to Justify your proceeding, I demand the privilege of a Soldier and Man of honor, an enquiry into my conduct by my fellow Officers. I claim it from uniform precedent,

and from reason, that the truth my [sic] be known, and that I may not suffer without just cause.—

I am with due respects your Excellency's most
Obedt servant
James Abbott

His Excellency Govr. Hull—

To the above communication from James Abbott Esquire no reply was made and no court of enquiry allowed. A copy of which is contained in the paper hereunto annexed. — —

This record was made while Stanley Griswold was Secretary—he never was furnished with the original letter, or a copy of it by me, and it was done without my knowledge or direction—By this engrafting it in the Executive proceeding the Secretary violated the trust, which was confided to him, and was guilty of a misfeasance in the discharge of his Official duty—You will expunge it from the proceedings and record this letter as your authority.—

I am respectfully your most Obedt. Servt.—
William Hull Governor
of Michigan.—

COMMISSION TO GILES BARNES.

1808

Jun 23d. William Hull Governor of the Territory of Michigan
To all who shall see these presents. Greeting

Be it known that reposeing special trust and confidence in the abilities and knowledge of Giles Barnes of the District of Erie in the territory of Michigan, I have appointed him Auctioneer for said district, for the term of one year from the twenty third day of June instant; And do Authorize and empower him to execute and fulfill the duties of said Office according to law; To have and to hold, the said Office, with all the powers, privileges and emoluments to the same of right appertaining, for the term of one year from the date hereof, unless sooner removed by the Governor of the Territory of Michigan for the time being. — — —

In Testimony whereof I have caused these letters to be made patent and the Seal of the Territory of Michigan to be thereunto affixed. — — —

Given under my hand at Detroit in the Michigan Territory the twenty third day of June one thou-
L. S. sand eight hundred and eight — — And of the Independence of the United States the thirty second.—

William Hull

By the Governor
Reuben Attwater
Secretary of Michigan
Territory

REUBEN ATTWATER TO JAMES MADISON.

[Letters and Papers from the Territory of Michigan, Dept. of State, Washington, 1805-1815.]

Detroit July 6th 1808—

Honble. James Madison Esqr.

Sir.—

I send you enclosed Copies of the Executive Acts and proceedings of Michigan Territory from the first day of January last, to the first of July Instant.—

I am Sir with sentiments of
Esteem your Obt. Servt.—
Reuben Attwater.

WM. HULL TO JAMES MADISON.

[Letters and Papers from the Territory of Michigan, Dept. of State, Washington, 1805-1815.]

Detroit 22d. December 1808.

Sir—

I take the liberty to enclose a Copy of two Sections of an Act, which has been adopted by the legislative authority of this Territory, concerning the punishment of Crimes, and Misdemeanors—The two sections relate to the emitting and passing bills of private banks*— It is expedient, they should have publicity, as it is understood, bills of this discription are passing in the States, issued by a private company in this Territory — —

*This relates to the Detroit Bank, a history of which will be found in this series, Vol. VIII, p. 571.—C. M. B.

I likewise enclose a Copy, of a report of a Committee of the legislative authority, appointed to consider what measures were necessary to be taken, on certain resolutions, laid on the table of the legislature, by Judge Woodward, the moment, he was about to leave the Territory.

As these resolutions have been published by the Judge, and as they implicate the official conduct, of the Governor of the Territory, and consiquently of the executive of the United States, as he holds his commission during the pleasure of the President, it is necessary it should be known, whether the resolutions were well founded or not — This report will show, how they are considered by this Government, and it is presumed, the explanations, will be satisfactory to the government, from which we emanate—It is, Sir, unfortunate, that any personalities, should be mingled with public proceedings: Those contained in this report, have necessarily resulted from the resolutions themselves; and however it is to be regretted, it will easily be perceived, where the fault rests—

As it is a duty incumbent on me, to make all communications of consiquence, relating to the civil government of the Territory to the Secretary of State, I presume this will be considered, as strictly warranted by Official propriety—And I further have the satisfaction to inform you, that every thing is now tranquill, in the Territory, and the proceedings of the goverment appear to give general satisfaction—

I am very respectfully your
Most obed^{t}. Serv^{t}.
William Hull.

James Madison
Secretary of State.

[Endorsed.]
James Madison
Secretary of State.

CENSUS OF MICHIGAN TERRITORY, 1811.

Aggregate amount of each description of persons within the Territory of Michigan.

Names of the Respective Civil Divisions.	Free White Males.					Free White Females.					All other free persons, except Indians not taxed.	Slaves.	Totals in each civil district.	Total.
	Under ten years of age.	Of ten and under sixteen.	Of sixteen and under twenty-six, including heads of families.	Of twenty-six and under forty-five, including heads of families.	Of forty-five and upwards, including heads of families.	Under ten years of age.	Of ten and under sixteen.	Of sixteen and under twenty-six, including heads of families.	Of twenty-six and under forty-five, including heads of families.	Of forty-five and upwards, including heads of families				
Detroit, being the civil District of Detroit.	393	168	231	291	171	252	179	190	160	79	96	17	2,227	
Erie, being the civil District of Erie.	251	106	108	197	88	243	98	105	97	34	9	4	1,340	
Huron, being the civil District of Huron.	97	56	62	68	37	114	36	55	42	11	"	2	580	
Michilimackinac, being the civil District of Michilimackinac.	59	21	182	207	44	31	19	18	12	6	15	1	615	
	800	351	583	763	340	640	332	368	311	130	120	24	.....	4,762

The number of persons within my division, consisting of the Territory of Michigan appears in a schedule hereto annexed, Subscribed by me this eighteenth day of February A. D. 1811.

(Signed) Reuben Atwater
Secretary

Attest the annexed to be a true copy of the original transmitted by me to the Secretary of State of the United States March the 1st 1811

(Signed) Reuben Atwater
Secretary

LETTER OF JOSEPH WATSON.

[From Vol. 1 of the Executive Correspondence from the Department of Secretary of State, Lansing.]

To the Honourable The Legislature of the Territory of Michigan

City of Detroit the 11th May 1809

I conceive it necessary to inform the Legislature that there is a probability of my being absent from the Territory between this and its next session, in order that some provision for the safe keeping of its papers in such case may be made.

I also submit my account for services rendered as Secretary to the Legislature, and pray that the Legislature may direct the Treasurer of the Territory to issue certificates for the payment thereof—

Respectfully

The Legislatures

C. h. S.

Jos Watson

PROTEST AGAINST SALE OF DETROIT COMMONS, 1811.

[From Executive Correspondence on file in Governor's Office, Lansing, Mich.]

To The Honorable Governor & Judges*[1] of the Territory of Michigan,

The Memorial of the Subscribers, in behalf of their

Fellow Citizens of the Town of Detroit;

Humbly Sheweth;

That your Honors were authorised by an Act of Congress of 21st April 1806 to lay out a Town, including the *whole* of the old Town of Detroit, and Ten Thousand acres adjacent, excepting certain Military reserves —

That your Memorialists were proprietors in the old Town of Detroit on the 11th of June 1805, and were found by your Honors, in full possession of the Detroit commons, extending two miles back from the Detroit River, under a Law of the United States late Government of the North West Territory, entitled "An Act to incorporate the Town of Detroit" passed by the House of Representatives and Council of said Territory, and aproved by His Excellency Arthur St. Clair Govenor of the same on

*[1]The Governor and three judges constituted the legislative body of Michigan Territory from 1805-1824.—C. M. B.

the 18th January 1802, enacted when your Memorialists were a component part thereof, under the second grade of Government authorized by the Ordinance of Congress of the 13th July 1787*[2]— Consequently the Old Town of Detroit at the time Congress passed the aforesaid Act of 1806 comprehended the said Commons, and made a part and parcel thereof—

Your Memorialists under this idea, set on foot a petition to your Honorable Body last year, which was lately read in open Session, but was not referred to a Committee to make a report on its merits, as is the usual practice of all Legislative Bodies, nor has the question as yet, been taken on the subject; *which consequently is still open for investigation.*

Your Memorialists further beg leave to remark that their rights to the Detroit Commons has been strengthened by the 5th Section of the Act of Congress of the 3d March 1805, which recognizes the principle of possession and occupancy, prior to, and since the 1st July 1796, and that an entry in Conformity to said act was made with the Commissioners of the Land Office for the District of Detroit, on the 31st October 1805 in behalf of your Memorialists by a person duly authorized thereof at a public meeting of the Inhabitants of the District of Detroit —

Your Memorialists beg leave to suggest that they are informed and have been assured that the sales of the Detroit Commons on the 6th February 1809 have been made in violation of an Act "Concerning the Town of Detroit" made and published the 13th September 1806, and that untill the said Act is repealed, or so much thereof as regards the Detroit Commons beyond the Court House Circus, the said sale is absolutely invalid in point of Law; If so, your Honorable Body is still at full liberty to retrace your steps, and grant to the Inhabitants residing in the Town of Detroit, their Commons, *which they have time out of mind enjoyed,* untill partially dispossessed of by Military Authority, as hath been emphatically expressed by the said Legislature of the North West Territory, in their written instructions to Paul Fearing Esq. their Delegate in Congress on Friday the 11th December 1801—

Your Memorialists claim the constitutional privilege to assemble and petition Government for a redress of grievances considering their rights invaded, We enter our Solemn protest against your proceedings, in violating through us, the constitution of the United States, by Selling the Public Commons aforesaid, and by the repeal last Fall of all Laws enacted by the Legislature of the North West Teritory aforesaid under its second grade, by which we had acquired rights greater than any you

*[2]For act of incorporation of the old town see Vol. VIII., p. 507.

could confer, and particularly the Act aforesaid incorprating the Town of Detroit which passed while we *the people of this Territory* were legally represented in said Legislature— The Act of Congress of the 8th May 1792 Section 2d only having authorized the Governor & Judges of the Territory North West of the River Ohio, and consequently your Honors as their Successors "to *repeal their Laws by them made, whensoever the same may be found to be improper*"

Your Memorialists with humility request leave to express their opinions, that there could not possibly be any impropriety in said Incorporation act, Authorizing Trustees to make Laws and Ordinances for the health, safety, cleanliness, convenience, and good government of the said Town of Detroit, and the Inhabitants thereof, but on the contrary, a very palpable one in leaving them exposed as they now are, without any lawful regulations whatever on that subject—

Your Memorialists therefore Humbly request that your Honors will refer the aforesaid Petition respecting the Detroit Commons to a select Committee with powers to investigate the merits and rights therein of your Memorialists, and to grant them the same as a Public Commons— and that so much of the sweeping repealing Law adopted last Fall as anulls all Laws enacted and made by the Representatives, Council and Governor of the late North West Territory and repeals the said act to incorporate the Town of Detroit may be vacated, and declared nul and void, inasmuch as it may be the means of restoring your Memorialists to their just rights, constitutionally acquired, and of preventing a similar calamity befalling your Memorialists as happened on the 11th June 1805.

And your Memorialists as in duty bound will ever pray

Detroit 8th June 1811—

Conrad Seek
Jean Bte. Beaubien
Rich'd Smyth
Wm. Brown
Archibald Horner
James Dodemead*
Jean Durette
St Louis Lognon
Daniel Mack Neil†

J. Bt. Piquette
I or J Dodemead.

*The House of James Dodemead (or of Ann Dodemead, his mother, was on the south side of St. Anne St., near the southeast corner of the modern Jefferson Ave. and Shelby St. It was near this spot that the fire started that destroyed the town.—C. M. B.

†Daniel McNeil.

Joseph Compau
Joseph Thibault
Auguestin Lafoy
Conrad Ten Eyck
Ant. Dequindre Jr
Baptiste Ballangé
Rich'd H. Jones
Abm. C. Truax
Peter Audrain
Jas. Henry
Jos. Coté
Prisque Coté

Indorsed
June 10th 1811
Presented and ordered to lie on table.

COMMISSION OF REUBEN ATTWATER AS JUSTICE OF THE PEACE.

[Papers and Records of the Territories, Vol. I., 1790-1813.]

Records
of the Acts and Proceedings
of the Executive
of the Territory of Michigan
for the half year commencing
July 1st 1811
and Ending January 1st 1812

1811.

July 24th A commission was issued on the twenty fourth day of July one thousand eight hundred and eleven, to Reuben Attwater as Justice of the Peace within and for the District of Detroit as Recorded in the Territorial Record of civil commissions page, 16.—

An act of the Governor of the Territory of Michigan, altering the districts of Registers, as constituted and established by an Act, bearing date the twenty third day of January one thousand eight hundred and eleven, in conformity to an act entitled an Act to adjust the estates and affairs of deceased persons, testate and intestate, and for other purposes, Adapted and published on the nineteenth day of January eighteen hundred and eleven.

I do hereby constitute the Registers Districts of Detroit and Huron, and of Michilimackinac, as described in an Act of the Governor of the Territory, bearing date the twenty third day of January, one thousand eight hundred and eleven, to be one District, which said District, shall be called the Northern District— Made at the City of Detroit, within the Territory of Michigan, this twelfth day of August, one thousand eight hundred and eleven—.

William Hull
Governor of the Territory
of Michigan.

By the Governor
Reuben Attwater
Secretary of Michigan
Territory.—

A commission was issued on the twelfth day of August one thousand eight hundred and eleven, to Harris Hampden Hickman Esq. as Register within and for the Northern District, as recorded in the Territorial Record of civil commissions page. 17.

A commission was issued on the twenty ninth day of August one thousand eight hundred and eleven, to Joseph V. B. Watson Esq. as Auctioneer, within and for the District of Detroit, as recorded in the Territorial Record of civil commissions page 18.—

A commission was issued on the second day of September one thousand eight hundred and eleven, to John Anderson Esq. as Marshal within and for the District of Detroit, as recorded in the Territorial Record of civil commissions page 19.—

Received James Abbott Esq^{rs} resignation as Justice of the Peace for the district of Huron and Detroit, on the second day of September one thousand eight hundred and eleven—.

A commission was issued on the second day of September one thousand eight hundred and eleven to James Abbott Esq. as Justice of the Peace, within and for the District of Detroit as recorded in the Territorial record of civil commissions on page. 20.—

1811.

Sept^{r} 3^{d} A commission was issued on the third day of September one thousand eight hundred and eleven, to Sylvanus Blackmer, as Marshal of the district of Huron, as recorded in the Territorial Record of civil Commissions page. 21.—

Received from Joseph Watson Esq. his resignation as Justice of the Peace within the district of Huron and Detroit, on the tenth day of September eighteen hundred and eleven.—

A commission was issued on the twenty third day of September one thousand eight hundred and eleven, to Joseph V. B. Watson Esq. as Justice of the Peace within and for the District of Detroit as Recorded in the Territorial record of civil commissions page. 22.—

Detroit 11th September 1811.

An act, of the Governor of the Territory of Michigan, respecting Districts—.

The Districts of Erie and Michillimackinac will remain as constituted by the Acts of the Governor, bearing date the third July eighteen hundred and five.—All that part of the Territory which lies betwixt the said districts of Erie and Michillimackinac, will form two Districts, and will be divided by a line drawn from the center of Lake S^{t} Clair to the mouth of Milk River, which empties into the said Lake S^{t} Clair.—Then a westerly line to the mouth of Rock River; on Lake Michigan, and thence continueing westerly to the boundary line of the Territory in said Lake—.

The District north of the last mentioned line will be called the District of Huron, and the District south of the said line, the District of Detroit—.

This Act to take effect from and after the first day of January one thousand eight hundred and twelve—.

William Hull—.

THE EXECUTIVE PROCEEDINGS OF REUBEN ATTWATER AS ACTING GOVERNOR OF THE TERRITORY OF MICHIGAN, IN THE ABSENCE OF GOVERNOR WILLIAM HULL, FROM THE FOURTH DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND ELEVEN.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

Head Quarter's
At Detroit the 28th November 1811.

General orders:

When on the one hand the acting commander in chief of the Militia of Michigan, recollects with heartfelt pleasure that the tranquility of the Country has enabled the inhabitants to pursue and complete the labours of the harvest uninterrupted by Military duty, on the other he would be highly culpable and guilty of a dereliction of duty which his Country and his fellow citizens of Michigan could never pardon, to allow the inhabitants to lull in the cradle of security when a day or even an hour may bring with it all the dangers and cruelties of a savage warfare, impressed therefore with the responsibility which rests upon him and feeling the sincerest interest in the happiness and well being of his fellow citizens, he orders and directs as a preliminary to an effectual system of defence, the first Regiment and Legionary corps to parade on the commons in the rear of the City of Detroit on Saturday next the thirtieth instant at nine in the morning; The second Regiment to parade at French-town on the River Raisin on thursday the fifth December next at the hour of nine A. M. at such place as the commanding Officer thereof shall direct; and the Battallion of rivers Huron and St Clair to assemble on Thursday the said fifth of December at the hour of ten in the forenoon wherever the commanding Officer shall direct: The Adjutant-General will inspect the first Regiment and Legionary Corps and as much difficulty has been heretofore experienced in procuring returns and as unusual evils requires unusual remedies, he will make out a roll which shall distinguish each Company and specify each mans name, the description and condition of his fire Arms, whether with or without a Bayonet, condition of his knapsack, and cartridge Box (if any) number of cartridges, Ball, flints and generally the nature and descrip-

tion of all Arms and accoutrements whatever; Major Joseph Watson third Aid-de Camp to the commander in chief will inspect the second Regiment and make out a similar roll thereof; Lieut. Col. Henry J. Hunt second Aid-de-Camp to the commander in chief will inspect the Battalion of rivers Huron and S^{t} Clair and make out a like roll thereof; These rolls will be deposited in the Adjutant-Generals Office, and therefrom he will immediately make out a general roll and deliver it to the Commander in chief—. It is further ordered and directed that on Monday the ninth day of December next at the hour of ten in the forenoon all the Commissioned Officers shall and do assemble at the Indian Council-house in the City of Detroit, for the purpose of taking before the Acting Governor of the Territory of Michigan the oath required by law—. Aside from all personal considerations arising out of actual circumstances the acting Commander in chief relies on the Patriotism of his fellow citizens for a thorough strict and cheerful obedience of all orders—.

Reuben Attwater—.

Col. George McDougall
Adjutant General etc.—

Head Quarters
At Detroit the 3^{d} December 1811.

General orders:

The acting-Commander in-chief viewing it as absolutely necessary in order to the organizing of a system of defence that the actual state of the Militia which is and ever ought to be the main stay to the political ship of a republican government should be known; He therefore orders that such companies of the first Regiment and Legionary Corps as did not parade on the thirtieth of November last, do parade on the commons in the rear of the City of Detroit on thursday the twelfth day of December instant for the purposes directed in the General order of the twenty eighth ultimo and that the Adjutant-General do inspect the same and make out the roll therein directed—. The parade of the second Regiment is postponed to saturday the fourteenth Instant, and Col. John Anderson will make out the roll therein required to be made agreeable to a form to be furnished by the Adjutant-General and will also swear the Officers of said Regiment agreeable to law, and in conformity to a

Dedimus potestatem issued by the acting Governor of the Territory: The acting commander in chief is induced to this last arrangement by a disposition to relieve his fellow-Citizens from the trouble and expence of travelling to the seat of Government at so inclement a season of the year—.

Reuben Attwater—.

Col. George M^{c}Dougall
Adjutant General etc—

Territory of Michigan:

Reuben Attwater
Acting Governor of the Territory of Michigan—.

To all to whom these presents shall come,
Greeting

Be it known, that reposing especial trust and confidence in the fidelity and knowledge of John Anderson Esquire of the River-Raisin in the Territory Michigan, I have, and by these presents do grant, unto the said John Anderson power to administer to all Officers belonging to the second Regiment of Militia, the Oaths required by law, and due return make—.

In Testimony whereof I have caused these letters to be made patent, and the seal of the Territory to be thereunto affixed—
L. S. Given under my hand at Detroit this third day of December, eighteen hundred and eleven—.
Reuben Attwater.—

Head Quarters
Detroit the 9th December 1811.

General Orders,

Few can be ignorant of the reports which have been in circulation respecting a battle [Tippecanoe] having been fought between the troops on the Wabash under command of Governor Harrison and a band of thoughtless imprudent and unfortunate Indians under the controul of the fanatical and pretended Prophet, [Laulewasikow* or Tensquatiwa] and of the indirect con-

*This Prophet, Lau-be-wasi-kaw, as it is also spelled, was a brother of the great chief Tecumseh. Levi Bishop in Vol. 6, p. 465, this series, attributes the victory of Gen. Harrison at Tippecanoe to the disobedience of the Prophet who attacked Gen. Harrison contrary to orders of Tecumseh.

firmation of those reports by the last mail, under these circumstances it would be absurd to doubt that a Battle has taken place: At the same time that the Acting-Commander-in chief has experienced a high degree of pleasure in the patriotic emotions which his fellow Citizens have expressed on the occasion, he has to regret that a *few Officers* have been so far forgetful of the duty they owe to themselves and their Country as to neglect to come forward and qualify themselves by taking the Oaths required by law. He therefore finds himself compelled to announce that such Officers as have not complied with the law in this respect and shall fail to do it, and to notify the Adjutant-General of such compliance within one month from the date hereof, will be superseded; at this all important crisis a disobedience of Orders will not and ought not to be countenanced, a contrary course would produce confusion, and all measures tending to the defence of soil on which many of us have drawn the first breadth (breath) of life would prove ineffectual—. But the Acting-Commander-in chief has too much confidence in the Patriotism of the whole or at least of the greater part of his fellow-citizens to doubt but that they will unite in supporting and cheerfully obeying all Orders which may be issued, And therefore orders that the respective Commanding Officers of the Companies of the Legionary Corps do within the shortest possible delay beat up for Volunteers and continue so to do until the twenty fifth instant, at which time will make return of the strength of the Companies to the Commanding Officers of their Corps who will immediately make return thereof to the Adjutant-General who will submit the same to the Commander-in Chief and on the same day the persons composing these Companies will elect and recommend Officers to fill vacancies therein—. The Honourable James Witherell a soldier and a Patriot of that struggle which burst the chains of tyranny and caused the star of liberty to shine resplendent on the Western hemisphere has been appointed Lieutenant-Colonel-Commandent of the Legionary Corps, Captain Richard Smyth Major, and John Anderson late a Lieutenant in the United States Army, Adjutant to the Legionary Corps, The Acting-Commander-in-Chief cherishes a hope that Captain Smyth will still continue to Command the Company of Cavalry which he has hitherto done with much honor to himself and advantage to his Country, and that M^r^ Anderson will remember that in the hour

of danger it is honourable to act in the most subordinate station and that his country will in due time appreciate those talents which he is known to possess—: It is directed and recommended that the Officers of the several companies of Militia within the Territory do exert themselves in establishing Patroles within their respective Beats, and that the Commanding Officers of the Legionary Corps do immediately cause a gaurd [sic] of twelve Men a Sargeant and Corporal to be detailed each night until otherwise directed, which gaurd will post a centinal by regular reliefs at each gate of the City of Detroit, and two centinels on the line of pickets in the rear of the City—. The—Acting-Commander-in Chief having concerted measures with the Commandant of the Garrison has the satisfaction of announcing to his fellow citizens that a gaurd from the Garrison will at the setting of the sun each night clear the City of all Indians found within the gates thereof, that when found necessary either in order to relieve the Citizens from the fatigues of Military duty or any other cause a file of men will be furnished from the Garrison to patrole the streets, that it is expected and ordered that the Centinels furnished from the Legionary Corps do answer the Centries from the Garrison, that the signal which shall call each Man to protect his wife, his children or his property from the murderous and savage foe will be the fireing of three guns from the fort; and that as soon as the Acting-Commander-in chief hath ascertained that state of the Militia with a sufficient degree of certainly he will exert himself to cause it to be furnished with the necessary ammunition, and shall make such representations to the Secretary of the United-States War-Department and other constituted authorities as will procure if necessary a timely reinforcement—.

Col. George McDougall
Adjutant General etc.

Reuben Attwater.—

Dec^{r}. 9th A commission was issued on the ninth day of December one thousand eight hundred and eleven, to James Witherell as Lieutenant Colonel Comm^{t}. of the Legionary Corps of Militia as Recorded in the Territorial Record of Military Commissions page. 42. - -

A commission was issued on the ninth day of December one thousand eight hundred and eleven, to Richard Smyth as Major

in the Legionary Corps of Militia, as Recorded in the Territorial Record of Military commissions. page. 43.—

A commission was issued on the ninth day of December one thousand eight hundred and eleven, to John Anderson as Adjutant in the Legionary Corps of Militia with the rank of Lieutenant as recorded in the Territorial Record of Military Commissions—page 44.—

24. A Commission, similar in tenor and form to that recorded on the one hundred and eighty fifth page of this Book to John Anderson Esq. Mutatis-Mutandis was issued to Lewis Bond Esq. on the twenty fourth instant to administer the Oaths required by law, to William Fairchild as Justice of the Peace for the District of Erie.—

A commission was issued on the twenty fourth day of December one thousand eight hundred and eleven, to William Fairchild as Justice of the Peace for the District of Erie as Recorded in the Territorial Record of civil Commissions page. 23d.
Territory of Michigan

Secretary's Office
Detroit February 26th 1812

This certifies that the foregoing and above is a true copy of Record—.

Attest

Reuben Attwater.—

WILLIAM HULL TO JAMES MONROE, RESPECTING INDIAN AFFAIRS.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820, Dept. of State, Washington.]

Detroit 13th Septr 1811.

Sir—

Your letter of the 4th of June, informing me, that my request to be absent from the goverment of the Territory, during the next winter has obtained the sanction of the President, has been received. . . .

The state of Indian affairs in some of the other Territories, and the connection of those Indians, with those under my superintendence has

induced me to delay my journey, and I shall remain untill the state of things is such, that no public inconvenience will probably result from my absence - - - .

I have lately been invited [visited] by a large number of Chiefs, and head men as far west as the Missisippi, and North as Lake Superior - -

I have treated them with hospitality, and have endeavored to impress on them, how much it was their duty, and how much their interest and safety depended, on living in friendship with their white Brethren - - - - They have appeared to be convinced of the truth of my observations, and it is with pleasure, I can inform you, that I never have known a period, since my residence in this Country, when all the Nations with whom I have intercourse appeared more tranquil, and satisfied - -

I shall soon finish the delivery of their annuities, when they will retire to their hunting grounds, where they will remain untill the spring, and will be so scattered, and disconnected, that, I presume, no danger need be apprehended - - -

I am very respectfully, your most obed^{t}
Serv^{t}
William Hull.

Hon. James Munroe
Secretary of the Department
of State.

/Endorsed./
Honb^{bl} James Munroe
Secretary of the departm^{t}
of State.
Washington City

REUBEN ATTWATER TO JAMES MONROE, TRANSMITTING COPIES OF THE PROCEEDINGS OF THE GOVERNOR.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820, State Dept., Washington.]

Territory of Michigan
Secretary^{s} Office
Detroit February 26th 1812.

The Hon.. James Munroe Esq.
Sec^{y} of State of the U. States
Sir,

I have the honor to transmit you copies of the proceedings of the Governor of this Territory in his Executive department, commencing the first

day of July last ending the thirty first day of December last, which would have been forwarded on the 1st of Jany. last If I had not expected to have received laws Adopted in the same year by the Governor and Judges of this Territory, which was Adopted, and in consequence of the indisposition of their Secretary I have not received them—

Respectfully

Your Obt.. Hum.. Servt

Reuben Attwater.

MR. WOODWARD TO PRESIDENT OF UNITED STATES, DEPT. OF STATE, WASHINGTON.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

Michigan, March 31. 1812.

Mr. Woodward has the honor to present his respects to the President of the United States; and to subject to his inspection the two enclosed papers.

[Endorsed.]

The President of the United States.

[ENCLOSURE FROM E. BRUSH.]

Territory of Michigan—

Detroit March 30th 1812.

In addition to the facts exhibited in my Certificate of the twenty first day of the present month, I further Certify that while I am not only convinced of the legality and regularity of the proceedings of judge Woodward relative to Mr. Whitmore Knaggs, who had assaulted him, and for whom I was counsel; I am also equally satisfied that his judicial conduct in relation to the Indian accused and convicted of murder, for whom I was likewise counsel, was in my judgment perfectly correct and very humane.

In fact I may say that the general conduct of judge Woodward in his judicial capacity, from the first institution of this government untill the present day has for the most part met with my decided approbation; and it will at all times afford me a very sensible pleasure to acknowledge it; and that too free from the Operation of any other motives than those of a public nature.

Possessing a discriminating mind, and sound legal attainments, he has uniformly exhibited at all times, and on all occasions, a strict and undeviating integrity, assiduity, temperance, and urbanity, marked with a degree of politeness, not always to be met with in a judicial character.

(Signed) E. Brush.

A Copy from the Original

Peter Audrain.

[ENCLOSURE FROM E. BRUSH.]

I certify, that at the return of the warrant issued by Augustus B. Woodward, one of the judges of the Supreme Court of the territory of Michigan, against Whitmore Knaggs* on the eleventh day of june 1811, I appeared before the said A. B. Woodward with the said Whitmore Knaggs, as his counsel, and had at that time in a distinct appartment of his from that where the Marshall had taken the said Whitmore Knaggs some conversation with him on the propriety of his issuing a warrant to bring a person before him for an assault committed on himself, and advised that he should refer the case to one other of the judges of the Supreme Court, or call them to his assistance, or call in the assistance of some one or two Magistrates.

This advice was given, not because I entertained any doubt at the time of the legality of judge Woodward's proceedings, but at the request of my client who was not reconciled to put himself on his examination before the very person that he had assaulted.

Upon this intimation judge Woodward adjourned the cause for further reflection to a day certain, and at the same time gave me to understand that M^r^. Knagg's further attendance, as he had made his appearance on the return of the Warrant, would not be required, unless he pleased to attend, but gave me distinctly to understand at the same time that his attendance would not be precluded.

I appeared again on the day of the adjournment, but without M^r^. Knaggs, whom I had given to understand that his further attendance would be dispensed with, unless he pleased to attend, or unless required so to do by me.

At this time judge Woodward expressed a full conviction not only of the legality, but of the correctness of his proceedings; and observed further that it appeared to him too humiliating to be laying his complaint

*[The complaint for the arrest of Knaggs is found in Vol. XII of this series, on page 642. For sketch of life of Knaggs see Genealogy of the Knaggs Family.]—C. M. B.

in the first instance, like a private individual, before one of his associates, neither of whom had thought proper to notice it officially, and much more so before a single Magistrate, when he was legally vested with the authority of issuing the warrant himself.* He assented however to call either for the assistance of his colleagues, or of two justices of the peace, and accordingly again adjourned the further investigation of the case to a future day, which he then named, at the Indian Council house in the town of Detroit, where the Supreme Court of the territory has most usually been held.

Hereupon I informed judge Woodward that it was alike indifferent to my Client, as to myself, what turn the proceedings took; that neither of us were desirous of attending again, and that we should not attend on any future day.

At this time a course of proceedings had been presented to me calculated in my own mind to meet any exigences that might arise by reason of the further investigation of the cause, and which was perfectly satisfactory to my client, but as he never was put to any further trouble by reason of the process that had thus emanated, it superseded the necessity of the proceedings above alluded to on my part.

The complaint therefore of not being notified—of not attending—or, of not appearing and Summonsing Witnesses etc. is without foundation, and did not proceed either from myself, or my client.

(Signed) E. Brush.

Detroit 21. march 1812.

A Copy from the Original

Peter Audrain

N°: 5.

Territory of Michigan, to wit;

At a session of the Supreme Court of the Territory of Michigan, continued and held on Friday the fifteenth day of May, one thousand eight hundred twelve, at the Council House, pursuant to adjournment, were present, Augustus Brevoort Woodward, and James Witherell, Judges.

In the matter of Robert Forsythe on application to become a Citizen of the United States of America.

It was made appear, to the satisfaction of the Court, that the said Robert Forsythe has resided in the United States more than five years,

*Judge Woodward's propensity to act as complaining witness and presiding judge in the same case is described and commented on in Vol. XXIX, page 648, of this series.—H. S. B.

and that he has resided within the Territory of Michigan, one year, and upwards, and having made application, in this court, to become a citizen of the United States, on the second day of October, one thousand eight hundred seven, according to law, and that, during that time he has behaved as man of good moral character, attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the same; and, thereupon, he was admitted by the Court to become a Citizen of the United States, and he did declare, on oath, in open court, that he would support the Constitution of the United States, and that he doth, absolutely and entirely, renounce all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty, whatever, and, particularly to His Majesty George the Third, King of the United Kingdom of Great Britain and Ireland, of whom he was before a subject.

The oath of the applicant was not admitted to prove his residence; and he did not bear any hereditary title, and was not of any of the orders of nobility, of the United Kingdom of Great Britain and Ireland.

A true copy from the records.

(Signed.)

Peter Audrain.
Clk. S. C. T. M.

[N°: 6.]

A. B. WOODWARD TO THE CHIEF CLERK OF THE DEPARTMENT OF STATE, ASKING THAT THE LAWS OF CONGRESS BE FORWARDED TO THE FORMER.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820, State Dept., Washington.]

Michigan, june 23. 1812.

M^r^. Woodward will trouble the chief clerk of the department of state on another subject. The acts of congress intervening March 3. 1809, and december 9. 1809, he has never received. A judge, who is bound judicially to know the law, ought to have the legislative acts complete. He does not know that the part deficient may not repeal, or essentially vary what he has. Let it not then be thought a troublesome request, if the transmission of those statutes is respectfully solicited!

M^r^. woodward, while on this subject, will state another wish; which it may not be found impracticable to gratify. He has four volumes of the

laws of the United States, the seventh, eighth, ninth, and tenth, in a pamphlet form. They would be much more convenient bound. That cannot be effected here. Would it then be agreeable to favor him with those four volumes, bound; and he would return the others, which are sound and unmutilated?

Endorsed./

The chief clerk of the department of State.

CAMP AT DETROIT: CAPITULATION FOR THE SURRENDER OF DETROIT.* PRINTED.

[Papers and Records of the Territories, Vol. I, 1790-1813, Dept. of State, Washington.]

Camp *at* DETROIT 16 August 1812.

Capitulation for the Surrender of Fort Detroit, entered into between Major General Brock, commanding His Britannic Majesty's forces, on the one part; and Brigadier General Hull, commanding the North-Western Army of the United-States on the other part.

1st. Fort Detroit, with all the troops, regulars as well as Militia, will be immediately Surrendered to the British forces under the Command of Maj. Gen. Brock, and will be considered prisoners of war, with the exception of such of the Militia of the Michigan Territory who have not joined the Army.

2d. All public Stores, arms and all public documents including every thing else of a public nature will be immediately given up.

3d. Private Persons and property of every description shall be respected.

4th. His excellency Brigadier Gen. Hull having expressed a desire that a detachment from the State of Ohio, on its way to join his Army, as well as one sent from Fort Detroit, under the Command of Colonel McArthur, should be included in the above Capitulation, it is accordingly agreed to. It is however to be understood that such part of the Ohio-Militia, as have not joined the Army, will be permitted to return to their homes, on condition that they will not serve during the war, their arms however will be delivered up, if belonging to the public.

*[Accompanying this document was an ill written French translation, a copy of which is on file in the Archives of the Society.]—H. S. B.

5th. The Garrison will march out at the hour of twelve o'clock, and the British forces will take immediately possession of the Fort.

APPROVED.

(SIGNED) W. HULL, Brigr.
Genl. Comg. the N. W. Army

APPROVED.

(SIGNED) ISAAC BROCK,
Major General.

(*Signed.*) J. Mc. DONELL Lieut.
Col. Militia. P. A. D. C.
J. B. GLEGG Major A. D-C.
JAMES MILLER Lieut. Col.
5th: U. S. Infantry.
E. BRUSH Col. Comg. 1st. Regt.
Michigan Militia.

A True Copy:

ROBERT NICHOL Lieut. Col.
and Qr. M. Genl. Militia.

A. B. WOODWARD TO ALBERT GALLATIN.

[Letters and Papers from the Territory of Michigan, 1805-1815, Dept. of State, Washington.]

Michigan, Sept. 7. 1812.

Sir,

I had the honor to receive your communication, having the postmark of july the eleventh, with its several enclosures; for which I return you my respectful thanks.

I beg leave to solicit the favor of your being the medium of communicating to our government sundry matters relating to the concerns of this country.

The intelligence of its surrender to the arms of his Britannic Majesty will, no doubt, by this period, have reached you.

As a military operation, this enterprize was conducted, on the part of the BRITISH GENERAL, with a degree of genius, judgment, energy, and courage, reflecting the highest lustre on his personal character; and presenting, in every point of view, a contrast the most complete to that of the AMERICAN GENERAL.

I have the honor to enclose you a copy of General Brock's* proclamation, issued immediately after the capitulation.

*In the original proclamation the name is spelled Broke.—C. M. B.

By this you will perceive that *the American laws are to be continued in force, for the time being.*

The officer, on whom the execution of the General's proclamation immediately devolved, addressed me a letter, of which I have the honor to enclose you a copy; and, of my answer to which, a copy is also enclosed. They are accompanied by his regulation on the subject of the civil government, which, having since obtained the approbation of General Brock, is now transmitted for the information of the American government; with the consent and approbation of the officer commanding here.

I enclose also a copy of another act of Colonel Henry Procter,* in the capacity of civil governor for the time being, extending the next term of the Supreme Court until the third Monday in December next. It is generally hoped that the American government will, before that time, manifest its pleasure with respect to their *officers,* and *citizens,* remaining in the country. To afford the opportunity of transmitting a communication of this nature I have the honor to enclose a provisional passport, adapted to obviate any obstruction to its conveyance; and which has been furnished here, for that purpose, with the utmost readiness and politeness.

*Detroit surrendered to General Isaac Brock, August 16, 1812. Brock remained at Detroit only one day, and upon leaving, turned over the command to Henry Proctor.

Henry Proctor was appointed Lieut. Col. in 41st Regiment of Foot, Oct. 9, 1800; Colonel, July 25, 1810, Major General, January 14, and June 4, 1813. He was in command at Fort Malden (Amherstburg) at the commencement of the war of 1812, but awaited the arrival of Brock before moving on Detroit. Indeed, the Detroit enterprise was a work of Brock and not of Proctor. The latter remained in command of Detroit until the victory of Commodore Oliver Hazzard Perry on Lake Erie, when he abandoned the city and retreated along the Canadian shore and the River Thames (sometimes called the Riviere La Franche), closely followed by General William Henry Harrison. He was overtaken by Harrison on the 5th of October and badly beaten in the Battle of the Thames. His Indian ally, Tecumseh, was killed.

Proctor continued his retreat and escaped.

Proctor attempted to lay the blame for his defeat on Sir George Prevost, and published a series of articles reflecting on Prevost, in the Montreal Herald. These articles were subsequently reprinted as "The Letters of Veritas Republished," in 1815.

In the British Quarterly Review of October, 1822, page 419, is a statement of the controversy with Prevost. Prevost was hurt by the actions of General Proctor, but refused, for a long time, to make the matter a subject of Court Martial. Finally, however, a court martial was called, charges were preferred against Proctor, and he was found guilty. The finding, in part, was as follows:

"The Court doth thereupon adjudge him, the said Major General Procter, to be publicly reprimanded and to be suspended from rank and pay for the period of six calendar months." "But as to any defect or reproval with regard to the personal conduct of Major General Procter, during the action of the 5th of October, the Court most fully and honorably acquits the said Major General Proctor."

Proctor (his name is spelled Procter in many places) continued in the 41st Regiment until his death, which occurred at Bath, England, Oct. 31, 1822, at the age of 59 years. The article in the Review was published the same month.—C. M. Burton.

My being nominated Secretary, for the time being, must be considered as a compliment to *my country,* and not *to myself.* The functions of lieutenant-governor, you will recollect, are attached to the office of Secretary; and it was thought respectful and conciliatory that an American citizen should, in present circumstances, be selected for that purpose, and particularly one of the officers of the late government. Of these I was the only one left; and I conceived it of a nature demanding my acquiescence, until the pleasure and wishes of my own government should be made known. The constitutional provision, you will perceive, has not been unattended to; and it has not been, and will not be, contravened. An explicit instruction, on this head, will be requisite; if the course of events should not be such as to supersede the necessity of it.

I enclose some other papers, also elucidating the actual situation of the country, with respect to the administration of civil matters. The present is one of those cases where a manifestation of the *executive,* as well as *legislative* wishes, in relation to *judicial* matters, would be peculiarly proper; and which, indeed, from the singular exigencies of the case, is essentially requisite. I have no idea that the American government would wish to relinquish the hold upon any of their territories which circumstances permit, and my construction of those obligations, which a high sense of duty, and the most cordial affection to my country, impose, is; *That I am bound to stay, in the protection of her claims, in the maintenance of her power, and her laws, to the very last, and to abandon the hope of their being, eventually, effectually asserted, only at her own express command.* Besides this duty, which I consider simply *as a political one,* there is another, not less imposing, *commanded by philanthropy.* To intercede for my suffering countrymen; to save their lives, their persons, from the victorious and insulting savage; to preserve the remnants of their little properties from pillage; to aid, in the means of departing, those who will go to find the standard of their country where her power is yet readministered, (sic) and her glory untarnished; and to uphold and comfort those whom stern necessity compels, or hardier resolution prompts, to hear the full fury of the storm, and see its last effect; are duties, in the exercise of which I have derived the most exquisite pleasure, a pleasure which even the severest *censures* of my country can never take away. I shall not cease however to believe that, in fulfilling them, I have consulted her inclinations not less than my own.

I cannot, in justice, conclude my letter without bearing my testimonial of the honor, the caution, the moderation, and the spirit of conciliation,

which have characterized the officers of the British government; during the whole period in which they have been in possession of the country.

It will, obviously, be of some importance to the United States that this Territory, in case it should be restored or regained, should not have been, in the interval of its estrangement, perfectly desolated, or essentially deteriorated; and, in using my endeavors to impress the expediency of this policy, the officer, in the service of his Britannic Majesty, at present in command here, and to whose good-sense, and firm line of conduct, the inhabitants are under much obligation, has, repeatedly, mentioned to me that if, in the train of events, the result should be that this country is restored to the American government, it will be his pride and happiness, so far as connected with his exertions, that it should be returned neither exhausted, nor injured, but, rather, if possible, in an improved state.

The preservation, therefore, in the territory, of civil government of any kind, and, more especially, of the American laws to the latest period which can possibly be effected, I have thought of so much consequence to the United States as to have ruled my determination to adhere to the country, at all events, until I could hear from the general government.

I flatter myself that the course of conduct which I have adopted will be approved; or, if not, that I shall be early apprized of it.

I have the honor to be
Sir,
with the most perfect respect,
Your obedient servant,
A. B. Woodward.

The Hon.
Albert Gallatin
Secretary of the Treasury
Washington.

[Endorsed.]
The Hon.
Albert Gallatin.
Secretary of the
Treasury.
Washington.

V. RENSSELAER TO ALBERT GALLATIN.

Head Quarters Lewiston
Niagara River Sep. 16th 1812.

Sir

I have the honor to transmit the enclosed letter received by a flag from General Brock at Fort George

Very respectfully
Your
V Resselaer

[Endorsed.]
The Honble
Albert Gallatin
Secretary of Treasury
Washington—

HENRY PROCTER TO JUDGE WOODWARD.

[Letters and Papers from the Territory of Michigan, 1805-1815, Dept. of State, Washington.]

Detroit August 20th 1812.

Sir,

I enclose a Copy of a Proclamation issued by Major General Brock* on the 16th Inst. announcing among other things that wishing to give an early Proof of the Moderation and Justice of the British Government, the Laws heretofore in Existance shall continue in force untill his Majestys pleasure be known, or so long as the Peace and Safety of the Territory will Admit thereof understanding that you are the only officer of the late Government at present here I should be happy for such information as you might please to afford on the following points

1st. What are the Geographical Limits of the Territory by the American Laws.

2nd. What are the Settled and unsettled parts, and what is the population.

3rd. What was the civil Government, and what were the Expences of its Administration. can the Civil Government be reorganized without a new Supreme Civil Magistrate. Do the Laws require such Magistrate

*For letters and papers referring to this time see Vol. XV, pp. 132-165.

or any other. and if any. what others to reside here, what Officers might the Change of Flag render necessary to be superseded and which are susceptible of being continued and would those who heretofore held those offices be willing to Continue in the Exercise of them. their allegiance not being other wise affected for the time being than as relates to the Tranquility of the Country under existing Circumstances

I have the honor to be
Sir
Your Obedient
Humble Servant
Signed) Henry Procter
Colonel Comm,g

Chief Justice Woodward
Detroit

A. B. WOODWARD TO COL. HENRY PROCTER.

Michigan, August 20th 1812

Sir

I return you my thanks for the Copy of the proclamation which you have been so polite as to send.

The determination of General Brock to continue the American laws for the time being, and the full protection given to the private property, and to the religion of the Inhabitants, while it renders an honourable tribute to the elevated sentiments which actuate his mind, cannot fail at the same time to conciliate and obtain the good will of those affected by the late change in the posture of affairs, as well as to smooth the path of future accomodation when the existing misunderstandings between Great Britain, and the American States, are adjusted.

I reply with great pleasure to your several enquiries.

The Geographical limits of the Territory of Michigan are designated by an Act of Congress.

The boundary commences at the Southern extremity of Lake Michigan, and is drawn East from that point until it shall intersect Lake Erie. This line has never been actually run. It is therefore uncertain where it would intersect Lake Erie. I have a minute of an observation taken by a British Gentleman which makes the Latitude of the southern extremity of Lake Michigan, a degree, and a half south of Detroit. This would carry the line entirely south of Lake Erie.

I am in possession of some Maps which so represent the Country. On the contrary, I have seen other Maps, and have received many oral communications which represent the southern extremity of Lake Michigan as nearly West of Detroit. The American Government have been taking measures to remove this Ambiguity. These however may have been impeded by the troubles which have recently pervaded those regions. During the uncertainty, the mouth of the River Miami has been assumed as the line, the Justices of the Peace on the North side of that river acting under Commissions derived from the Territory of Michigan, and those on the south side of it acting under Commissions derived from the State of Ohio.

The boundary was common to Great Britain and the United States on the East, and to the North.

From the southern extremity of Lake Michigan a line was required to run through the middle of said Lake to its northern extremity. It is uncertain whether the northern extremity of Lake Michigan is in Green Bay, or at an intermediate point between Green Bay and the Straits of Michillimackinac.

From the northern extremity of Lake Michigan a line due North to the northern boundary of the United States in Lake Superior, completes the Western demarcation, and closes the Geographical limits of the Country. Its greatest length may be five hundred miles; its greatest breadth, three hundred. It includes two peninsulas; one very large, the other small.

From the mouth of the river Miami, to the head of the river Sinclair, at the embouchùre, or outlet of Lake Huron, the Country is settled, though in a very sparse manner, on a continued line without any settlements in the rear, every house forming as it were, a double frontier. There were formerly some families at the river St Josephs, near the southern extremity of Lake Michigan, and the Island of Michillimacinac also had a few settlements.

The population of the Territory of Michigan is more completely elucidated by the official return rendered to the American Department of State, a Copy of which I enclose, than by any observations I should be capable of making.

The Civil Government of the Territory of Michigan must be considered under three distinct aspects; first, as a Colonial establishment, distinct from the several States; secondly, as forming a part of the United States for certain general, and National purposes; and, thirdly, as internally distributed, and partitioned for the purposes of domestic regulation and police.

Under the first aspect as a Colonial establishment, distinct from the several States, the Government consisted of one Governor, three Judges, and one Secretary. The Salary of the Governor was Four hundred and fifty pounds Sterling per annum. The Salary of each of the three Judges was two hundred and seventy pounds sterling. The Salary of the Secretary was two hundred, and twenty five pounds sterling—Seventy eight pounds, fifteen shillings were allowed for incidental, and contingent charges. All these expenses were defrayed by the General Government of the United States, and all these officers were required to reside in the Territory. They were further required to be possessed of certain portions of land.

The Civil Government unquestionably cannot be reorganized without a Civil Governor. He must supply the several offices which are vacant. One judge may hold the Courts in the absence of the others. The Secretary also is necessary in the Capacity of Lieut^{e}. Governor, and for the preservation and transmission of executive, and legislative transactions.

The legislative regulations were required to be adopted from those of the original American States by a Majority of the Governor, and Judges.

Under the second aspect as forming a part of the United States for certain general, and national purposes, the Territory of Michigan embraced ten, or twelve different officers—The following is an enumeration of them

1. The Post-Master of Detroit
2. The Post-Master of the River Raisin
3. The Post-Master of the River Miami
4. The Register of the Land-Office
5. The Receiver of Public Monies obtained for lands
6. A deputy of an extra-resident Surveyor General, for the execution of Surveys of Land.
7. A Collector of the Customs at the Port of Detroit
8. A Collector of the Customs at the Port of Michillimackinac
9. A Collector of the Customs at Port Miami
10. Sundry Indian Interpreters

Most of these officers were paid by fees of office, and certain very small salaries. All the Revenue officers will be indispensible if the American revenue laws are intended to be inforced. The others you will perhaps, Sir, be disposed to consider as superseded in consequence of the change of the Flag.

Under the third aspect the Territory of Michigan is regarded as it is

internally distributed, and partitioned for the purposes of domestic regulation, and police.

The following may embrace the various descriptions of officers which it comprehended.

1. The Clerk of the Supreme Court
2. The Marshall of the Territory
3. The Attorney General
4. The Treasurer
5. The Adjutant General of the Militia.
6. The Q^r. Master General of the Militia
7. The Marshal of the District of Detroit
8. The Marshall of the District of Erie
9. The Marshall of the District of Huron
10. The Marshall of the District of Michillimackinac
11. The Commissioners of Civil Police for the relief of the poor, the repair of roads, bridges etc etc etc in those from several districts
12. Then several Clerks, assessors, Collectors, Treasurers overseers of the poor, Supervisors of Highways etc etc etc in the four several districts.
13. The Register, constituting the recording, and probate officer, one in each of those four districts.
14. From twenty, to thirty Justices of the Peace throughout the Territory.

These officers, when paid at all, derived their compensation from some species of local revenue, particularly appropriated to the service.

All these offices are susceptible of being continued for the present time.

The enquiry whether those who have heretofore held offices under the American Government would be willing to continue in the exercise of them their allegiance not being otherwise affected for the time being than as relates to the tranquillity of the Country under existing circumstances, is attended with a difficulty principally as it relates to that description holding their offices immediately and directly under Commissions from the General Government of the United States.

The inhabitants of a conquered, or ceded Country, may it is conceived after the conquest, or cession, hold, and exercise offices under the acquiring power, and if the country be afterwards retroceded, it is believed they do not incur the penalties of treason by so doing. Neither the law of nations, nor the American laws appear to require the inhabitants to quit this country, and the liberal footing on which you propose to place the former laws, and the Administration of them, and the qualified, and implied temporary allegiance which seems to be alone contemplated at

present, is calculated to obviate embarrassment. With regard therefore to all subordinate officers, I am humbly of opinion that they may, perhaps without impropriety, act.

Their willingness to do so, can only be ascertained by personal reference.

With respect to that class holding commissions directly under the government of the United States, I beg leave to lay before you the following extract from their constitution.—"No person holding any office of profit or trust under the United States, shall without the consent of the Congress accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state."

The intention of this provision was not applicable to a case like the present; but its letter may affect it. It might be proper to permit the American Government to be consulted on this point; as the Citizens would act with more cheerfulness, if they were informed that their conduct would not be disapproved, I have the honour to be, Sir

With Great Respect
Y^{r}. O^{b}. Servt
(Signed) A B Woodward

Col. Henry Proctor

COPY OF AN ARTICLE SUGGESTED, AND NOT ADMITTED.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

III.

Courts of Justice shall be held as usual. The stile of process shall be "The Territory of Michigan."

[On back]
N°. XI.
First article suggested,
and not admitted.
Aug. 21.
1812.

WORDS SUGGESTED IN THE FOURTH ARTICLE, AND NOT ADMITTED.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

After the words "The secretary shall make two copies of all executive proceedings and legislative transactions, one of which shall be transmitted for the use of the British government, and the other shall be retained" the words suggested, and not admitted, were, "for the use of the United States, if the same should hereafter be necessary."

[On back.]

N°. XII.

Second matter
suggested and not
admitted.

Aug. 21.
1812.

COPY OF AN ARTICLE SUGGESTED, AND NOT ADMITTED.

[Letters and Papers from the Territory of Michigan, 1805-1815, State Dept.]

VI.

In case of a pacification between the United Kingdom of Great Britain and Ireland and the United States of America, which god grant, the balance between the expences of the civil administration of the Government of the Territory of Michigan, and the product of the external duties, customs, and revenues thereof, shall be accounted for as shall be mutually provided.

[On back.]

N°. XIII.

Last matter
suggested, and
not admitted.

Aug. 21.
1812.

WRIT ISSUED 1st SEPTEMBER, 1812.

[Letters and Papers from the Territory of Michigan, 1805-1815, State Dept., Washington.]

(Writ issued 1st Sept.ber 1812.)

In the Supreme Court Territory of Michigan, to wit—

To the Marshall of the territory of Michigan:

You are hereby commanded that you take Oliver Williams,[1] Joseph Farewell, and Amos Lee, late merchants in company under the firm of Oliver Williams and C°—if to be found within the territory of Michigan, and them safely keep, so that you may have their bodies before the judges of the Supreme Court of the territory of Michigan to be held at Detroit on the third monday in the present month of September; then and there to answer Joseph Campeau in a plea of trespass on the case, to the damage of the said Joseph Campeau, as is said, three thousand dollars, and of this writ[2] make due return. Witness the judge or judges of the said Supreme Court, at Detroit the first day of September one thousand eight hundred twelve. (Signed) Peter Audrain

Clk. S. C. T. M.

PROCLAMATION BY HENRY PROCTER.

[Letters and Papers from the Territory of Michigan, 1805-1815, Dept. of State, Washington.]

By Henry Procter, Esquire, Civil Governor of the territory of Michigan for the time being—a Proclamation.

Whereas the State of war, and the dangers and Calamities accompanying it, have attended the territory of Michigan for sometime passt [sic], and the effects there of have not altogether ceased, and the late repeated interruptions in the ordinary pursuits and occupations of the inhabitants will render the Session of the Supreme Court at the regular time and place extremely inconvenient to the Territory generally, Therefore

Be it known by all to whom these presents may come, or whom they may concern that I the undersigned Henry Procter, Civil Governor of

[1]For biographical sketch see Vol. I, page 23, this series.—H. S. B.

[2]This writ was issued while Detroit was under British rule. It will be observed in several of these papers that Procter attempted to evade the question of locus by terming the country "The Territory of Michigan," omitting all reference to the United States.—C. M. B.

the territory of Michigan, for the time being, pursuant to the powers vested in me in and by an act entitled "an act concerning the Supreme Court of the territory of Michigan" do appoint the third monday in December next, at the house of George Meldrum in the district of Detroit, for holding the next term of the Supreme Court of the territory of Michigan, and all process Shall be returned, and all persons shall be held to appear at Such time and place equally the same as if the said Court was held at the time and place where the same was to have been held.

Witness my hand, at Detroit, in the territory of Michigan, the fifth day of September one thousand eight hundred twelve.

(Signed) Henry Procter
Colonel

N°. XVI.

PASSPORT.

[Letters and Papers from the Territory of Michigan, 1805-1815, State Dept.]

Fort Erie will be the best point to which to address a communication.

A. B. Woodward.
Sept. 7.
1812.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

The accompanying Communication from the Hon^{ble} Albert Galatin to M^{r}. Woodward it is requested may meet with no Obstruction in its Conveyance from any of the Officers in the Service of his Britannick Majesty.

Henry Procter
Colonel Com^{g}.

Detroit
September 9th 1812

PROCLAMATION OF HENRY PROCTOR CONCERNING THE SUPREME COURT.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

By Henry Proctor, Esquire, Civil Governor of the territory of Michigan for the time being.

A PROCLAMATION

Whereas the same causes and motives, on which was founded the proclamation of the undersigned, bearing date on the fifth day of September one thousand eight hundred twelve, Continue to operate;

Therefore Be it Known by all to whom these presents may come, or whom they may concern, that I, the undersigned, Henry Procter, civil governor of the territory of Michigan for the time being, pursuant to the power in me vested in and by an act entitled "an act concerning the Supreme Court of the territory of Michigan", do revoke the appointment made by the proclamation aforesaid for holding the Supreme Court of the Said territory at the house of George Meldrum, in the district of Detroit, on the third monday in December next, and do appoint the Council house in the City of Detroit, on monday the twenty first day of February one thousand eight hundred thirteen, at eleven of the Clock in the forenoon, for the holding of the Said Supreme Court; and all process Shall be returned, and all persons Shall be held to appear at Such time and place equally the Same as if the Said Court was held at the time and place where the same was to have been held.

This proclamation Shall be translated into the french language, and three English and french Copies Shall be posted up for public information, one in the office of the Clerk of the Supreme Court, one at the gate-post opposite the house in which I reside, and one at the door of the Roman Catholic Church. Witness my hand, at Detroit in the territory of Michigan 16. November 1812.

(Signed) Henry Procter.
Civil Governor of the territory of Michigan for the time being.

JAMES MAY TO A. B. WOODWARD.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

Detroit Nov^{r}; 28th: 1812

To the
Honorable A. B. Woodward.
Sir,

Numerous applications have been lately made to me, by the citizens and Merchants of Detroit, to exercise the powers of a Justice of the Peace, with which I was vested by the Government, prior to the 16th.

August last,—They having large sums of Outstanding debts, which cannot be recovered by any other means, than before a Justice of the Peace, the want of such a person to exercise that authority has been very severelly [sic] felt by them generally.—

Fully persuaded, Sir, that you are not unacquainted with these facts and the regulations of Colonel H: Procter, giving full power to the late Justices, to continue and exercise their functions, I, nevertheless felt a delicacy to act under the present *flag,* and therefore declined doing any business until I, could be well inform'd what might be the future consequence, admiting I, did exercise those Powers.—

Under this impression I, have, Sir, taken the liberty of addressing you, (as the only remaining Judge of the supreme court, now in this Territory) on the subject, relying in full confidence, that you, will not refuse me, your friendly aid, and advice, on a matter, so important, to the public Welfare, and of such serious consequence to myself.—

I. am,
Sir
Very respectfully
your most obed^{t} and
very humble Serv^{t}
(Signed) James May

A. B. WOODWARD TO JAMES MAY.

[Papers and Records of the Territories, Vol. I, 1780-1813.]

Detroit December 3^{d}: 1812

Sir,

I, inclose you copies of two letters, which passed a few days after the capitulation, and which in some measure, embrace the subject respecting which, you had addressed me the enquiries.—

It is the general practice of civilized powers when in the state of war, and after having effected a conquest, or obtain'd a cession, of exterior dominions, to leave the civil authorities of the country acquired, as much undisturbed as they conceive the military service of the respective sovereign or state will admit of, until a pacification, or some definitive adjustment.

The Netherlands and Germany, are those parts of Europe, which from their position with respect to the two great rival nations of France and Britain, have been most overun by hostile Arms; and towns, cities, and

provinces, have frequently passed from power, to power, in rapid succession, constantly receiving new military masters, while the civil authorities, and religious arrangements, have been little, or, not at all affected.—

In the American hemisphere the west India islands have been most exposed to these sudden alternations of power, and the result has been very much the same.—

The Island of Tobago, may be selected as one of the most striking exemplifications. This Island was perhaps originally settled by the Dutch, but their claims were always contested on the part of the Spaniards. In the meantime by some course of events, the details of which I do not at present recolect, I, believe it came into the hands of the French. Certain it is, that in the War of 1756 it was reduced by great Britain, and eventually devolved to her by the pacification of 1763. In the War of the American revolution it was reduced by France, in her turn, and was eventually confirmed to her by the Pacification of 1783. The present wars have restored it to Great Britain.—

From the day of the surrender of this island in the War of the American revolution, which was the second day of June 1781, until the pacification, September the third 1783, and some time after, *the English Laws, remained in force, under the French flag; and the English Judges, and courts, administered those laws.* This they no doubt regarded as a duty to their own country, and probably their Government would not lightly have excused a pusillanimous or perverse abandonment of it; particularly if the country should have reverted. I, am inclined to believe it generally considered, in Europe, the duty of civil officers, where a country, by the fate of war, falls into the possession of an enemy, and the clemency, or policy, of that enemy continues the former laws, to remain firmly at their posts, until an adjustment, or contrary instructions from their government.

The general aspect of all the proceedings of the French*, at the Island of Tobago, is very similar to that of those, on the part of the British, at this place, in the present instance.

When the Americans conquered Montreal and its dependencies, in the War of the revolution, the proceedings on their part, were substantially the same with those of the French in the instance cited, and of the British in the present instance; and there are not wanting many other examples, such as Dominica in the last war, on the part of the French,

*The French, however, in that instance, reduced the external duties and revenues to a conformity with the French system; which the British have not done in this instance.—H. S. B.

and Buenos Ayres in the present War, on the part of the English. There are not wanting, on the other hand, contrary examples; and the conduct of the English to the Dutch, with respect to the Islands of S^{t}. Eustatius, S^{t}. Martin, and Saba, and the continental dominions of Demararce, Essequibo, and Berbices, exhibits, in every point of view, one of the most forcible.—

What view the American administration take of these subjects, in the present instance, and in relation to this country, I, have not been able to learn. I have therefore, hitherto, in no instance acted officially. There is a constitutional provision inhibiting a *civil officer* of the United States, from accepting a present, emolument, office, or title, from a foreign power, unless by the consent of Congress, and an Amendment has been proposed, and perhaps adopted, expatriating and disqualifying a *Citizen,* of the United States, who, without a similar consent, shall accept and retain a present, pension, office, or emolument, from a foreign power, These regulations spring from a very laudable republican jealousy; and yet, like all other general regulations, may some times apply to cases, not originally contemplated.

In the midst of the calamities with which it has pleased divine providence to environ our suffering people, it is the part of a good man to act with firmness, where the path of duty appears clear and certain to his own mind; but to stop when he approaches the confines of doubt and uncertainty.—I cannot undertake to direct, or to advise, The same Materials, however, of judging, which I, possess myself, I have thought it right to put, freely and copiously, in the possession of others. The Man who stands firm upon his own integrity; and who, in his conduct to his country, acts *with a pure heart,* and *with clean hands,* is always safe; and constitutes a rock, upon which the billows of malignity may roll, but are repelled, and broken, in the contact,—

I. have the honor to be
Sir
respectfully
your obed^{t}. Servant—
(Signed) A. B: Woodward.

James May Esq^{r}.
one of the Justices
of the peace in the
District of Detroit.

ADDRESS OF THE CITIZENS OF DETROIT TO A. B. WOODWARD.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

The Hon[ble]

Augustus B Woodward Esquire one of the Judges of the Territory of Michigan—

Sir,

It is with much concern that the Inhabitants of this Town have learnt that you have lately expressed a determination of leaving the country and of repairing to the interior of the United States—

At a time when the services of the several officers of this Government were most to be desired, and would alone have conducted to the great interest of the inhabitants, it is not a little surprising to see that to a Man (to the exception of yourself) they have unadvisedly left their respective posts the interest of their country, and of course the inhabitants of the Territory in a state bordering almost upon anarchy and confusion, and that too after having been officially notified by the Proclamation of the conquering General that the laws of the Territory would be continued in force, and that the civil administration thereof would not for the present be interrupted, or sustain any material change—

The conduct of those officers of the government on this ocasion who might with propriety have remained, exhibits to us a strong evidence of this one fact that, the Man who serves his Country for the emolument only, and who has nothing further in view, and is unwilling to share with his fellow citizens in the hour of distress and danger is altogether unfit for an office—

We feel it a duty incumbent on us to acknowledge, that your stay in the country since the Capitulation, together with your exertions in favour of its inhabitants, has contributed in an eminent degree towards the preservation of their lives, their liberty, and the property of perhaps every individual in the Territory—

We cannot Sir, be reconciled to the idea, that you should at this time abandon a post that has hitherto as yet preserved us from the most imperious danger—We look to you at this time as the rock of our safety and repose—Do not therefore follow the example of your colleagues, but continue to share alike with us the dangers of the times, and to maintain and support those rights and privaledges which you have so successfully commenced and prosecuted—

Detroit January the 6th. 1813—

E. Brush	Oliver W. Miller
Stephen C. Henry	John Whipple
Stephen Mack	Conrad Ten Eyck
Peter Audrian	Ant. Dequindre Junr.
James May	Benjamin Chittenden
William Macomb	Jn. Mc.Donell
James Chittenden	Henry Disbrow
Arch. Lyons	John Meldrum
Richd. H. Jones	Peter F. Murry
William Brown	Robert Navarre
Duncan Reid	Pierre Labadie
Peter Desnoyers	Frichette Navarre
Robert Smart	Gab: Godfroy
Joseph King	Gabriel Richard
James Burnett	Oliver Williams

Gabriel Godfroy Junr.

A. B. WOODWARD TO CERTAIN CITIZENS OF DETROIT.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

To the citizens who have signed an address to the undersigned, dated Detroit, January 6. 1813.

Michigan, January 11. 1813.

Gentlemen,

I had the honor to receive by the two gentlemen composing your committee the address bearing date on the sixth day of this month in the evening of the same day on which it is dated, and have deferred an answer to it on account of a mail which was then in hourly expectation, and which I believe arrived on the same day that I received your address on the opposite and Canadian side of the strait, but the intelligence brought by which did not reach me until this day.

I had expressed a doubt whether if I received no intelligence from the general government of the reception of my communications to them it might not be proper to solicit a passport into the United States admitting explanations relative to civil matters.

I am now possessed of authentic information that no answers have arrived, and if my original communications have not failed, will you not admit, Gentlemen, that this silence imports something, and is it not

as probable that it imports *disapprobation,* as that it should be intended to manifest *approbation?* These enquiries have suggested themselves to my mind, and with some degree of anxiety; and it was in consequence of it I had admitted the idea of applying for passports.

Your address, Gentlemen, determines me to wait the result of another experiment, if it should be permitted, and I shall enclose a copy of the address, and of my answer to it.

I am, decidedly, of opinion that *where a country, or part of a country, is conquered, or over-run, in time of war, by the foreign power, if the clemency, or policy, of the enemy permit the former laws, and civil organization, to remain uninterrupted, that it is the duty of those constituting the civil organization to remain at their posts, until the policy of the enemy should undergo a change, and their departure be coerced, or a pressure made on their eventual allegiance, or until they are otherwise instructed by their own government.*

I have no reason, however, to KNOW that the American government make the same construction of this subject; and, therefore, while I acted according to the opinion I held, I opened a door for the reception of concurring or dissentient sentiments.

These observations will convince you, Gentlemen, that it is more than possible that your judgment has been too rigorous towards the other members of this government, who are all now absent, and by far too partial to myself.

In all that I have done, since we were surrendered to the arms and flag of His Britannic Majesty, I have been actuated by a strict and severe sense of duty; and can claim no other, or further, merit.

The good consequences, which were so perfectly unexpected at the outset, and which you have had the kindness to ascribe entirely to my exertions, are much owing to your own good conduct. *You have manifested a fidelity to your country which does you honor, and commands respect. You have also recollected that the enemy has* HIS *rights,* and you have, *in your turn, respected those rights.* Continue, Gentlemen, to observe the same line of conduct, in both respects; and, in the mighty shock between two powerful nations, dispersed, disarmed, disorganized, though we are, and environed by a terrible and subtle foe, whom, in some circumstances, it is impossible for either power to control, we may yet meet with a miraculous preservation, and our little bark ride triumphant through the storm.

It will now, Gentlemen, be my pride, if you should be abandoned by all, and when the fate of our little population is suspended by a hair,

to participate in your afflictions, to share your dangers, and according as YOU shall stand or fall to stand or fall MYSELF; and every exertion within the compass of my power I shall continue to use for the preservation of your liberties, properties, and lives; and feeble as is the power, and humble as is the instrument, may the blessing of God crown them with success!

Accept, Gentlemen, the sincere assurance of my affection and respect.

A. B. Woodward.

A. B. WOODWARD TO JAMES MONROE, RELATIVE TO BRITISH RULE IN THE TERRITORY.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820, State Dept., Washington.]

The Honorable
James Munroe.
Secretary of State of
the United States of America.

Michigan, January 15. 1813.

Sir,

I had the honor, on the seventh day of September 1812, to transmit, to the Honorable the Secretary of the Treasury, for the use of the American administration, a letter, exhibiting the transactions which had take place, relative to the civil affairs of this Territory, since it has been in the possession of the forces of His Britannic Majesty; and, in the month of October, immediately subsequent, I sent a second communication, for a similar purpose, containing, also, a letter to the Honorable the Secretary at War, informing him of the humane assurances, I had received, on the subject of the unfortunate prisoners, who had fallen into the power of the savages at Chicagou; of the reception of either of which I have not had the happiness of obtaining any authentic information.

My principal object, at that time, was, to apprize the government of the facts alone, without any anticipations as to the course of conduct which might be deemed the most prudent and advisable in consequence of them.

I flattered myself in a prospect of having a subsequent opportunity of presenting, to yourself, the impressions I entertain as to the policy which the interests of the United States, and of this country, might, in a case of this description, require; but a convenient opportunity was not afforded, and my hope was very strong that, in the interval, from the

superior intelligence of those enlightened minds assembled at the seat of government, some course might be directed, relieving both myself and others from the doubts and anxieties inseparable from our public situation.

This hope not having, however, been realized, I contemplated availing myself of the facilities of the climate and season; and soliciting the favor of a passport to the States. I am however effectually prevented from carrying into execution this idea by a very pathetic address from my fellow citizens, entreating my stay. I enclose to you, Sir, a copy of this address, and of my answer to it. I enclose also the copy of a civil act extending the term of the Supreme Court of the Territory from the third Monday in December last to the twenty first day of February next; and my expectation is that a further postponement will take place. A letter was addressed to me by a public magistrate of which I send to you, Sir, a copy, accompanied with my reply. Some others, of a similar nature, I may, or may not, transmit, on closing this letter, according as I find that copies can, or cannot, be prepared.

I know of no additional *matter of business* which I need to introduce into the present letter, excepting one, which is of the highest importance; but, on which, I must, yet, say little. Permit me, only, to make it a very earnest solicitation, *that the President of the United States might be pleased to give an instruction to the commanders of any American forces, south of this Territory, that if any stipulations are made, between the inhabitants of this Territory, and the officers commanding in it on the part of His Britannic Majesty, for the purpose of preventing a massacre of our population by the neighboring savages, the conditions annexed to them, and applying to American citizens, shall be carried into execution with good faith.* In adjusting any arrangements for that purpose the rights and honor of the United States will be scrupulously regarded.

Indulge me, notwithstanding, Sir, with one mournful satisfaction, and which constitutes the only trouble I shall give you on matters that have a personal relation to myself; and, if I should not survive the disasters with which I am surrounded, to commit to you my good name. I AM ACTING WITH A PURE HEART, AND WITH CLEAN HANDS; AND MY COUNTRY WILL FIND IT SO.

I have the honor to be, Sir, respectfully,

Your obedient servant,

A. B. Woodward.

HENRY PROCTOR TO A. B. WOODWARD.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

(Copy.)

Sandwich January 28th: 1813

Sir,

I have the honor to acknowledge the receipt of your letter of the 25th: Instant, respecting a Mr Knaggs, and in answer, beg leave to say, that I see the conduct of the Individual in question in a very different Light indeed, from that in which you seem to view it. He will be sent, with any who may be found to have acted in the same manner, for the Decision of a Higher Power. My statement will consist of a very few Incontrovertible Facts, viz That the said Mr. Knaggs was among the Prisoners, on the sixteenth of August last, at the Surrender of the Territory of Michigan, which he was permitted to leave a few days afterwards, with the other Prisoners of War, on Parole; that he was in Arms in French Town on the River Raisin, in the Territory, and with the Enemys Force, under the command of Brigadier Genl. Winchester, and was captured with that Force, on the 22d. instant.

The Prisoners when on Parole, having a Passport to the Force, invading the Territory is a circumstance, I should not have conceived possible, were it not beyond a doubt; as also that Forsyth, who is also on Parole, tho' a British subject, is with the Force of General Harrison.

I have the Honor to be
Sir
Your most obedt. Humble Servt
(Signed) Henry Procter
Colonel Commandg.

Chief Justice Woodward
Detroit

A. B. WOODWARD TO GEN. PROCTOR, IN ANSWER TO THE FORMER'S LETTER.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XV.

LETTER FROM MR. WOODWARD TO GENERAL PROCTER, IN ANSWER TO THE PRECEDING.

Detroit, January 29th, 1813.

Sir,

It is an unquestionable fact that Mr. Knaggs was one of the prisoners on the 16th.. of August 1812, and you are better able than myself, or any other, to say, if, in consequence of it, he has been, regularly, put under parole; and, if that essential point has been made clear to his understanding, there can be no apology for him, if he has violated his duty. He will only have himself to blame, and must abide the consequences.

I must, indeed, acknowledge that justice requires examples to be made; or, otherwise, *innocent* persons must, eventually, suffer for the *guilty.*

I stand not here to shield real guilt and deparvity, from proper punishment, but I regard it as my bounden duty to defent the *innocent,* and, even with respect to the *guilty,* to see that that guilt, viewed through a medium of prejudice and passion, should not be magnified beyond the bounds of reason; and,—as I know you, Sir, to be a lover of justice, I am satisfied that whenever I can succeed, in either of those purposes, it will give you pleasure.

The circumstances relating to his passport I am not correctly acquainted with. If the American General has acted dishonorably, or violated the established rules of war, which I cannot by any means imagine, he will not only have to sustain that censure, but will be responsible for the consequences to a miserable individual.

The main question with respect to Mr. Knaggs is as to *his having been in arms.*

Here my information has been widely different from that which you have received. I have made diligent enquiry, and am uniformly told, *that he was not in arms.*

It is, however, fortunately, a *mere question of fact;* which, when settled, will, probably, leave no material difference of opinion between us.

Let, then, *the fact* be regularly and fairly settled. Let the evidence of eye-witnesses be taken, and let it be taken upon oath; and let it not be

taken on one side only, but upon both. Let the accused have the fullest benefit he can derive from what evidence operates in his favor.

In like manner, if the *main fact, of bearing arms against the British government after having given his parole,* fails to be supported, let subordinate matters of conduct be enquired into with equal impartiality; and let a distinction be made between *actual conduct,* and *mere words,* for I should not hold it humane to judge an ignorant man, whose only education was among savages, to whom, in early life, he became a prisoner, for the sentiments and expressions he may use, as a learned man ought to be judged, or one of more than ordinary information.—I know him to be an ignorant man, and a turbulent man. I was assaulted, by him, and another, for censuring, in a legislative debate, the conduct of Mr. Hull, the Governor of the Territory, in seducing negro slaves from gentlemen residing on your side of the river, and supplying them with arms and ammunition; but, common sense told me he was not the principal person to blame.—Something, of a similar nature, might, possibly, turn out to be the case, in this instance; and *I hope his character and demeanor will be looked into with candor.*

The facts which you state, Sir, with respect to Mr. Forsythe, have also come to my knowledge. I shall say nothing as relates to *the breach of parole.* He must well know the consequences. But the facts respecting his being a BRITISH SUBJECT, or an AMERICAN CITIZEN, are *fully,* and *completely,* within my knowledge; and, they are, *officially* and *judicially* so, as he was admitted an American citizen before the supreme court of the Territory of Michigan, of which I am one of the judges, and I, at that time, was the only judge in the Territory, and, pursuant to an act of Congress in that case provided, composed the court myself.

Allow me then, Sir, to assure you, *with solemnity*, that the requisitions of the American Naturalization Laws were strictly complied with; and the most rigid proof exacted.

Those laws require a certain residence, five years, the last year within the State, or Territory, where the application is made, and *notice* must be given, *before a court of record,* of the intention to apply to be made a *citizen,* before the first two years of the residence are expired; so that all the residence after that and before notice, fails to enter into the computation.

The applicant *must prove himself to be a man of good moral character,* and that by more than one respectable witness. He must prove himself to be *a man of orderly demeanor;* and, *attached to those principles of Liberty, and Virtue,* on which the constitution of the United States is founded.

So far the *law goes;* but the *construction,* made in this very case of Mr. Robert Forsythe, will shew you how *rigid,* how *severe,* the courts are *in administering it.*

It appeared there was a *discontinuity* in his residence, on account of his having been *domiciliated* for a month or two, at Amherstburgh, on *your* side of the river, by *living there,* not for his pleasure or amusement, or on a vist to his relations, or friends, or acquaintances, but *in some business* and for *the lucre of that business,* and for the purpose *of earning his bread;* and, therefore, in the first instance, his application was rejected, and he was obliged to begin *de novo,* and, after having given the regular notice, and waited three years, *fully out,* he was lawfully admitted. It so happened that it was again before myself.—I send you transcripts from the records of all these transactions.

You will, thus, Sir, perceive that the AMERICAN NATURALIZATION LAWS, and, *the manner in which they are administered,* are, infinitely, more LIBERAL, RATIONAL, and CORRECT, than the BRITISH NATURALIZATION LAWS, and *the manner,* in which, from the very nature of the enactment they contain, THEY *must be administered.*

By the British Naturalization Laws, and, particularly, by one of them, the statute of the thirteenth year of George the Second, chapter the third, (13. Geor. II. cap. 3.) *a man,* the subject of any power, whatever, *may become a subject of Great-Britain, by serving two years,* in the time of war, *on board of an English ship.*

A regulation of this nature cannot be compared with those of the American government. It, either restricts the admission to *a particular profession;* or, tempts an individual, from the shortness of the period, to adopt that profession.

No importance is attached to *moral character.*

The *facts* are ascertained in the most *summary mode;* and a *naval officer* seems to possess most of those powers which, by other nations, and, in England itself, on all other subjects, *are confided to the most dignified and solemn tribunals.*

Each nation has, however, an *unquestionable* right to arrange the subject of *naturalization,* and all other subjects of purely *interior* and *municipal* regulation, as it pleases.

Neither can claim the *operation of their laws out of, and beyond, their dominions.*

For *one nation* to make a NATURALIZATION LAW, and to think of prohibiting ANOTHER NATION from making a *naturalization law,* would be an act so *haughty,* so manifestly *unjust,* so obviously an invasion of that

equality which the law of nations assigns to all nations, whatever their respectability or power may be, *that I entertain no apprehension, whatever, of hearing a principle of that kind advocated by any liberal or enlightened mind, of any nation or country.*

The British government, will, undoubtedly, protect those who have *obtained naturalization, pursuant to the enactments of their statutes;* and, there is no less doubt that THE AMERICAN GOVERNMENT WILL DO THE SAME.

This course of conduct each nation will, unquestionably, pursue, alike in the state of *Peace,* and in the state of *War.*

I request that none of the observations I have made may, *even for a moment,* be construed to import a justification of, or any excuse for, *a breach of parole;* an act which my heart holds in the most perfect abhorrence.

I have the honor to be,
Sir,
with the highest respect,
Your obedient servant,
A. B. Woodward.

Colonel
Henry Procter.
Sandwich.

N°: 6.

Fort-George, 22d. February, 1813.

This is to make known that a Mr. Knaggs,[1] whose christian name I do not know, but the same who was captured at the River Raisin, on the 22d. ultimo, was not employed, in the army I commanded, in any capacity whatever, nor was he under my controul.

He came to the camp, at the Miami Rapids, a day or two before the last detachment of troops marched for the River Raisin, and accompanied it, as I understood, with a view to see his family and relations.

(Signed.)
J. Winchester.[2]
Brigadier General.
United States Army.

[1]In Vol. XV, page 302, this series, is a letter from Whitmore Knaggs, written from Quebec Prison, May 24th, 1813, showing him to be the person whose capture is here mentioned; see also Judge Woodward's letter to James Monroe, March 22, 1813.

[2]For portrait, papers, and sketch of Gen. Winchester by C. M. Burton, see Vol. XXXI, page 253.

AFFIDAVIT OF NATHANIEL GOLDTHWAITE, MADE FEBRUARY 1st., 1813.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°. XVII.

Territory of Michigan, } scilicet;
District of Detroit. }

Be it remembered that on the first day of February, anno domini one thousand eight hundred and thirteen, personally came before the undersigned, one of the justices assigned to keep the peace in the district aforesaid, videlicet, Nathaniel Goldthwaite, who, after being duly sworn upon the Holy Evangelists of Almighty God, deposeth and saith, that about two days after the troops had left the Fort of Detroit, and had gone to Malden, this deponent was at the house of one Moore, in the City of Detroit, in company with another man, and said Moore's family, when a certain man, by the name of Sopher, entered the house, and proceeded to converse with the son of said Moore, a lad of about eighteen or nineteen years old, and that this deponent over-heard the said Sopher say *"We can scare the devil out of them;"* alluding, as this deponent verily believes, to the militia which was then in Garrison.

A few minutes after this deponent went to the house of Lamphier in said City, and there met Major Whipple, to whom, he, the deponent observed, that he was fearful Sopher would get into trouble, on account of what he had heard Sopher say.

Major Whipple then told this deponent to go, without delay, and inform Judge Woodward of it; as he Sopher would get himself into trouble, as well as other people, if he was suffered to go on.

This deponent further deposeth that he mentioned this circumstance to Major Whipple because he thought it ought to be made known; and that Major Whipple also directed this deponent to inform Mr. Smart of what he had heard Sopher say, as Sopher was then in his employ, and further this deponent saith not.

(*Signed*)

Nathaniel Goldthwait.

Sworn and subscribed, at my chambers, in the City of Detroit, the day and year before written, before me,

(*Signed*)

James May.
J. P. D. D.

AFFIDAVIT OF MAJ. JOHN WHIPPLE RESPECTING SOPHER.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XVIII.

Affidavit of Major John Whipple, made at Detroit, February 1st., 1813.

Territory of Michigan, } Scilicet;
District of Detroit, }

Be it remembered that on this day, February the first, anno domini one thousand eight hundred and thirteen, personally came before the undersigned, a justice of the peace for the District aforesaid, videlicet, Major John Whipple, residing in the City of Detroit, who, after being duly sworn, upon the Holy Evangelists of Almighty God, deposeth and saith that, on or about the nineteenth or twentieth of January 1813, a person unknown met this deponent at the house of Mr. Lamphier, in the said City, and related to him the conduct of one Sopher, as stated in his deposition, taken this day before James May Esquire; that this deponent told the said person to go immediately to Judge Woodward, and inform him of it; that on the morning after the said person had informed this deponent of the expressions made by Sopher in the house of Moore, he called on Judge Woodward to know if a man had been with him, to give him certain information, upon which Judge Woodward asked this deponent the man's name.

This deponent told him he did not know his name, but has since learned that he calls himself Nathaniel Goldthwait, from his having declared so, before James May, Esquire, on taking of his deposition.

Judge Woodward then observed to this deponent that a man had called, but did not think he was the person he alluded to, or had sent

This deponent then proceeded to relate to Judge Woodward the whole conduct of Sopher, as stated in Nathaniel Goldthwait's deposition; upon which Judge Woodward informed this deponent that he had full information of Sopher's conduct, and that the project was put down.

This deponent further deposeth as aforesaid that on the night of the same day an alarm had circulated in the City that the troops were all gone from the Fort. He the deponent, together with his wife and five children, slept at the house of E. Brush, Esquire; that about twelve or one o'clock in the night, to the best of this deponent's knowledge, a servant

woman of E. Brush, Esquire, came to this deponent's bed-side, and informed him, that Messieurs Desborough and Wendele had told Mr. Brush that the troops had evacuated the Fort, and that no Sentinels were to be seen in the City, as formerly; and requested this deponent to get up, and go down stairs, that Mr. Brush wanted to see him. This deponent went down, and found Mr. Brush, who related to him the deponent the circumstance, as above stated by the servant woman. This deponent and Mr. Brush concluded that if the information should turn out to be true, and that the troops had actually left the Fort, that it would be highly proper to inform the inhabitants; so that they might be on their guard to preserve order, and protect themselves against the savages, should they be disposed to injure them.

This deponent further deposeth that in order to ascertain the fact of the troops leaving the fort, and, with a view to discover if any disorder was taking place in the City, this deponent proceeded from the house of E. Brush, Esquire, in company with two other persons, to go to the house of Mr. Desborough; and, before they reached his house they began to think from the tranquil state in which they found the city, while passing through it, that it was a false alarm. This deponent then entered the house of Mr. Desborough, who informed this deponent that since he, Desborough, had left the house of E. Brush, Esquire, and had come home, he was informed there were troops in the Fort. The deponent, upon receiving this information, retired from the house, returned home to E. Brush, Esquire, and then went to bed again.

(*Signed*)

J. Whipple.

Sworn and subscribed, at my chambers, in the City of Detroit, the day and year before written.

(*Signed*)

James May.
J. P. D. D.

RESOLUTIONS OF THE CITIZENS AS TO THE ORDERS OF GEN. PROCTOR.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XIX.

A.

Resolutions of the citizens, February 1st.. 1813.

Whereas it hath been signified to us the undersigned citizens of the United States resident at Detroit in the territory of Michigan, by Col.

Henry Proctor, the British Commanding officer, that it is his will and pleasure that we should depart from and leave the said territory, and he so orders and directs it; leaving behind, at the same time, as we necessarily must do, our' dearest relatives exposed to all the casualties and evils incident to a state of war, and our property at the mercy of the marauding Savage;

Resolved, Therefore, that we consider the said order of the said Col. Henry Proctor as a flagrant and gross violation of the 3^{d}.. article of the capitulation made and concluded at Detroit on the 16th day of August last, and by reason whereof this place was surrendered to the British flag.

Resolved, 2^{dly}. That it is a duty we owe to our selves and to our country, to resist manfully and spiritedly, by all the powers of reason and argument, every unwarrantable attempt upon our personal rights that are not strictly compatible with the articles of the capitulation.—

And whereas we entertain a very sensible and thorough conviction that a military officer by an unjustifiable and wanton invasion of the private rights of an individual may not only incur the displeasure of his own government, but will lay himself personally responsible to the individual injured;

Resolved, Therefore, 3^{dly}, That for every violation of our rights and privileges attended with an injury to our persons or property, we will make a solemn appeal in the dernier resort to the umpire of the Law.

Resolved 4^{thly}. That we entertain a high sense of the honor of a *Military Parole,* and the virtuous and delicate use that ought to be made of it, as likewise the necessity and the propriety of a strict and exemplary neutrality, so long as we remain under the British flag, and are protected in our persons and property agreable to the true spirit and letter of the articles of capitulation.

Resolved, 5^{ly}. That if there are any amongst us whose conduct and behaviour does not strictly comport with the spirit and meaning of the preceding resolution, they ought not to be screened from punishment, but that it is our duty to assist in exposing them to the just animadversion and censure of their own improper conduct.

And whereas we entertain a high sense of the manly, dignified, and spirited conduct, of Augustus B. Woodward, whose services have heretofore been so pre-eminently useful to the inhabitants;—

Resolved, Therefore, 6^{ly}.., That he be presented with these resolutions, with a request to lay them before the said Col. Henry Proctor, and to use all honorable and lawful entreaty with him to obtain a revocation of his

aforesaid order, so diametrically opposed to the aforesaid 3d article of the capitulation, and so manifestly injurious at this particular season of the year, to our persons and property.

Detroit 1st.. Feby 1813.

Signed

E. Brush,
Conrad Ten Eyck
Peter Desnoyers.
Robert Smart.
Jas. Burnett
Richd H. Jones
Wm Brown
John McDonell
John ————*
Duncan Reid
A. Longan.
George ————————*
Jas. Chittenden
Conrad Seek
Lewis Bond
David McClean
Wm Watson
John Dicks
Archd Lyon
Israel Taylor
Anderson Martin
Wm. Mc. D. Scott.
David Henderson
William Russell
Joseph Spencer
James Patterson
George R. Chittenden
William Robertson
John Walker.

GEORGE McDOUGALL† TO A. B. WOODWARD, ASKING THE LATTER'S AID IN SECURING PERMISSION FOR McDOUGALL TO REMAIN WITHIN THE TERRITORY.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XIX.

B.

Letter from George Mc. Dougall, Esquire, to Mr. Woodward. Dated, Detroit, 2nd. February, 1813.

*The sur-names of these gentlemen, from the peculiarity of the manuscript, cannot be made out.

[Not improbably, George McDougall and John Meldrum].—C. M. B.

†This letter is printed in Vol. VII, p. 642 of this series.

The Honble A. B. Woodward.

Detroit, 2nd. February, 1813.

Dear Sir,

Having learnt on Saturday last that all citizens of the United States, excepting native Canadians, were to be shortly ordered out of the country, I called on Mr. William Jones on Sunday and laid my peculiar case before him, with a request that he would intercede with Colonel Procter to allow me to remain here until spring, inasmuch as my extreme debility and impotent bodily infirmities totally disqualify me from undertaking such a journey at this inclement season.

I stated to that gentleman that I had taken the earliest opportunity, after the 16th.. August last, to make myself acquainted with the Laws of Nations and of England, relative to our situation and duties as citizens of the United States, and was soon aware of that temporary allegiance which aliens owe to that government by which they are protected, and that they cannot with impunity transgress the laws of any country, so long as they are residents therein, *and conducted myself accordingly.*

I therefore Sir, at the risque of some obloquy, early promulgated my opinions on this head, very generally, and that not only none of us as neutrals, ought by word or deed to interfere in matters of government, but that to attempt to discover and betray its secrets would subject the party to be executed for High Treason; "for should men be daring enough to live in any country for the purpose of discovering and betraying its secrets to the enemy with whom it was at war, the wisest counsels and the greatest exertions of power must be inefficacious, or only conduce to accelerate that ruin they were intended to prevent."

I also stated to him that I had no objections to give my parole, in strict conformity to these principles, and to find undoubted security for a strict compliance therewith.

Mr. Jones informed me yesterday that he had so represented my case to Colonel Procter, who did not think proper to come to any determination, *then,* on the subject.

This has given me the greatest possible uneasiness and has kept me all night from closing an eye, for I could not help deploring my unhappy fate, on finding my dwelling house, store, and out-houses at River Raisin, next to Jéraume's, conflagrated by the savages on the 23d. ultimo, in addition to my two story house, farmer's house, barn, and distillery having shared the same fate last fall by the same hands, and being thus sent into a strange country without any pecuniary means, without friends, too proud to beg, and too helpless to earn a livelihood. I threw myself, out

of bed in despair with this exclamation; "My God! what have I done to forfeit those rights for which the faith of the British government is plighted by the capitulation, with the proclamation of that great and generous hero, the deceased Major General Brock? What has become of that boasted faith which has been the prop to the prosperity of that government? I will call on my friend Judge Woodward, the champion of our rights, in aid to Mr. Jones representations, to state my case, and if any slanderous complaints have been made against my honor, to ask to be confronted with my accusers."

For I declare it to you Sir in a most solemn manner that I abhor from my soul the thoughts of such despicable conduct. As soon would I think of betraying you, my Dear Sir, after being feasted and protected at your hospitable board, as to become a traitor to *any government* and thus ensure the *censure* of *my own.*

May I therefore, My Dear Sir, solicit you to obtain the same indulgence for me as has been granted to Colonel Hunt, who holds the same rank in the late Michigan Militia as myself.

I pray you Sir, to accept the assurances of my respectful salutations and esteem.

Signed

George Mc. Dougall.

BIOGRAPHY OF GEORGE McDOUGALL, BY C. M. BURTON.

Lieutenant George McDougall Sr. was an officer in the garrison in Detroit, having gone there in 1761 and was there at the time it was besieged by the renowned Indian Chief, Pontiac beginning in the Spring of 1763. He undertook to bring about a settlement and treaty between the Indians and the English and became a sacrifice to save Detroit and its people. Supposing he had the confidence of the Indians, he went to them unarmed, accompanied only by Captain Donald Campbell, a superior officer. The Indians treacherously detained both of these men as prisoners. This was on May 10, 1763. They were kept until the following July 4, when one of the Indian Chiefs became enraged at some act of the English in the Fort and vented his anger by killing Campbell and mutilating him in a horrible manner. McDougall managed to escape from his custodians and ran towards the Fort, which he reached in safety.

The siege of the Fort lasted for more than a year and was finally ended after the Indians had learned of the Treaty of Paris, that brought peace to the English and French, in 1763.

Before the war begun McDougall was in possession of an island in the Detroit River called Ile au Cochon (Hog Island) and he continued to cultivate this island and claimed it as his property, after the peace was declared, although claims were made on the part of the citizens in the Fort, that the island was a public ground. It is not improbable that the younger George was born on the island.

In 1763 McDougall married Marie Francoise Navarre, daughter of Robert Navarre one of the most influential of the French citizens of Detroit and a descendant of the Royal Family that furnished a king to France in the person of Henry IV. Backed up by this new alliance McDougall applied to the King of England for the grant of this island. All the officers of the garrison gave such assistance as they could. McDougall was now a lieutenant on half pay in the 60th. Regiment. His application was favorably received. In May 1768 at a meeting of His Majesty George III and his Privy Council it was determined that the occupation of the Island was for the good of the garrison and that as McDougall had been a great sufferer during the siege of Detroit in 1763, it was decided that he might continue a temporary occupation of the island "so long as His Majesty shall think fit to continue an establishment at Detroit, provided the same can be done without umbrage to the Indians."

McDougall at his own expense, called a council of the Chiefs of the Ottawa and Chippewa Indians and obtained from them a conveyance of the island and paid them, in consideration of the deed, "5 barrels of rum, 3 rolls of tobacco, 3 pounds of vermillion and a belt of wampum and 3 barrels of rum and 3 pounds of paint, when possession was taken." The consideration, was, of the value of £194. This deed is not dated but it appears among the papers of General Gage of the date of August 29, 1768, and it was probably made between May and August of that year.

In an indirect manner this island was held by this family until a few years since when it was purchased by the City of Detroit for the sum of $200,000 and now forms the largest park the city owns, over 700 acres. It is called Belle Isle Park.

Surrounded by the broad expanse of the waters of the Detroit River, where floats the greatest tonnage of the world, the citizens of Detroit have made this one of the most beautiful parks in America.

Leaving the subject of the park to return to Mr. McDougall, we find that he again entered the active service of the Bristish Government at the outbreak of the war of the American Revolution, as captain in the 84th. Regiment. He was appointed to the command of Oswego, December 1, 1777, but was removed from this position and was directed to take

command of Carleton Island, April 21, 1779 and arrived there May 9, 1779. This island is at the entrance of Lake Ontario and became an important place very early in the progress of the war. It was garrisoned by order of Governor Frederick Haldimand and was named after his predecessor, Sir Guy Carleton, Lord Dorchester.

McDougall's management of affairs was to the entire satisfaction of his superiors and when in 1780, he requested permission to resign his command and sell his commission on the ground that he was sick and unable to attend to his duties, Governor Haldimand would not grant the request, saying that he was too useful a man to be permitted to go at that juncture. "He was determined to discourage all attempts to retire when apparently in the crisis of affairs". He improved in health and asked to be permitted to purchase a majority September 21, 1779, but before this was brought about he was again taken ill and his malady increased to such a degree that it was determined to again appeal to Haldimand for permission to sell his captaincy and to retire. One of his reasons for desiring to sell his commission was that he was afraid he would never be able to resume his work in the army and he had a "weak wife and two small children" dependent upon him who would be without other means in case of his death than that derived from the sale of his captaincy. The proper consent having been received Capt. George McDougall sold his commission to Lieut. Patrick Sinclair, formerly of the 15th. Regiment, April 8, 1780 and on the same day McDougall died.

Captain George McDougall left, besides his wife Marie Francoise Navarre, two children. The elder, John Robert McDougall, was born at Detroit, June 30, 1764 and married Archange Campau, of a prominent and wealthy family. The second son of Capt. George McDougall was George McDougall, who was born in 1766 and was never married. He studied law and was admitted to the bar and practiced in the Supreme Court. He became a prominent lawyer and had a large practice for many years, but finally lost everything and died poor. John Robert McDougall had thirteen children. Although he was the owner of a large tract of land on the American side of the Detroit River, his affiliations were with the people living on the Canadian side of the River and he was buried there, at Assumption, Sandwich July 24, 1846. One of his sons, John Robert McDougall was a lieutenant in the King's or Eighth Regiment.

One of his daughters, Archange, became the wife of Barnabas Campau, a wealthy citizen of Detroit. Mr. Campau purchased the estate of his wife's father in Detroit, from the other children, and owned it at the time of his death. There were two children born to Barnabas Campau

and Archange McDougall, John Barnabas and Alexander Macomb Campau. The latter is still living,* one of the millionaires of Detroit, and the widow of the former is living in Detroit, now Mrs. Richard Storrs Willis.

There are many descendants of George McDougall, the first, living both in the United States and in Canada.

A. B. WOODWARD TO GEN. PROCTOR, RELATIVE TO A PETITION FROM TWO INHABITANTS OF DETROIT.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XX.

Letter from M^r^. Woodward to General Procter.

Detroit, February 2. 1813.

Sir,

As I was returning from Sandwich, yesterday afternoon, I was informed there were two gentlemen waiting, at the house, to see me; and that they appeared to have a paper.

On reaching the house I did not find them there.

Some time afterwards they came in, but did not appear desirous to saying anything about a paper. I asked them if they had called before, and if they had a paper. They answered that they had called, and had a paper; which was to be presented to me, but not at that time. I enquired the nature of the paper, and their reason for not exhibiting it, at once. They explained the nature of it as relating to their being ordered out of the country; and the reason why they did not immediately exhibit it was, *"that it was to receive a great many more signatures."* I begged them to let me know the contents. With some reluctance they did, and I then earnestly solicited of them that the paper might receive no more signatures, and that it might go no further; but that it might be left with me, in its present state, and I would endeavor to get the matter accommodated. I expressed to them how much I should be mortified in seeing, at the present time, a public, open, and serious quarrel, arise between the citizens here and yourself; and that I had little doubt you were not disposed to trouble them, or put them to any unnecessary inconvenience, or distress, if their demeanor was quiet, and they refrained from matters calculated to produce trouble.

*Alexander Macomb Campau died April 1, 1908, after the above was written.—C. M. B.

The following is a literal copy of the contents of this paper. It is signed by twenty-nine persons. I beg you to consider it as inofficially communicated to you.

(Here follows a copy of the resolutions of the citizens, as contained in document numbered nineteen, and in that part of it marked A.)

Dated, "Detroit, 1st.. February, 1813." Signed by twenty-nine persons.

Some persons have applied to sign since the resolutions have been put into my possession; but I have declined admitting any additions in the present situation of the affair.

I observe, among the names, some persons of very obscure situation, of the most humble means, and of perfectly innocent life; and who scarcely thought of receiving the notice of either government.

I conceive, Sir, that this informal and inofficial mode of rendering you possessed of the nature of these resolutions will answer as good a purpose as a *distinct* and *direct* application to you, in the authority, and capacity, of commanding officer, and probably a much better; and, as the *fourth* and *fifth* resolutions present a good basis for the accommodation of the present difficulty, I indulge a hope you will immediately lay hold of them for that purpose, notwithstanding the state of high excitement and irritation evidenced in the previous ones.

It is well known to you, Sir, that the capitulation of the sixteenth of August, 1812, has suffered many infractions, in every quarter of the Territory, by the savages in the employ of the British Government.

The inhabitants have borne them with an unexampled patience.

They have entertained a constant apprehension that when the American forces approach the Territory, and when an engagement has taken place, the fury of the savage mind at the sight of blood and in reflecting on the dead they lose, and, perhaps, on the retaliatory treatment of prisoners, or of the dead, which their cruel mode of warfare is always likely to produce, might drive them to an ignoble revenge on the prisoners they find in the country, and the inhabitants of it, who are American citizens. They therefore pressed this subject on your attention previous to the battle of the 22nd.. of January 1813; and felt satisfied with your assurance *that you considered your own honor pledged for their effectual protection.*

Since the result of that battle facts are before their faces which they cannot shut their eyes upon.

Some of them are, perhaps, unknown to yourself.

I will enumerate some, which I believe there will be no difficulty in establishing beyond the reach of contradiction.

First. *Some of the prisoners,* after the capitulation *of the* 22nd.. *of January 1813, have been* TOMAHAWK'D *by the savages.*

Second. *Some of the prisoners,* after that capitulation, *have been* SHOT *by the savages.*

Third. *Some of the prisoners,* after that capitulation, *have been* BURNT *by the savages.*

Fourth. *Some of* THE INHABITANTS *of the Territory of Michigan,* citizens of the United States of America, after the capitulation, *have been* SHOT *by the savages.*

Fifth. *The* HOUSES *of some of the inhabitants* of the Territory, American citizens, after the capitulation, *have been* BURNT *by the savages.*

Sixth. *Some of the inhabitants,* American citizens, after the capitulation, *have been* PILLAGED *by the savages.*

These facts evince that in some quarter, and in some department or other, either the *moral,* or *physical,* means of preventing a violation of your capitulations do not exist.

The alarms of the inhabitants are therefore still more highly excited by the expectation of another battle; and they feel, and, perhaps, VERY JUSTLY, *that their persons and property are not respected.*

It is on this account that I have been requested to suggest to your consideration a convention between the citizens and yourself, which may remove the first difficulty contained in this letter, and obviate the second.

The conditions which have been suggested to me as the basis of such a convention are the following.

"First. A force shall be stationed at Detroit, for the express purpose of protecting the citizens from Slaughter, conflagration, and pillage.

Second. The citizens shall be armed and organized for the aid of that force; proper precautions being taken that it shall be applied to no other object.

Third. The force stationed at Detroit, for the protection of the citizens, and British subjects found there, at the time, in case of an eventual change of flag, not to be made or considered prisoners of war, but to be safely and honorably restored.

Fourth. Colonel Procter may name *eighteen* citizens, out of whom the citizens themselves will settle upon *six;* who shall be delivered as *hostages.*

Fifth. The citizens will name *eighteen* persons, out of whom the Colonel will select *six,* to act as commissioners; and to apprehend all who violate their neutrality, or give rise to probable suspicion thereof.

Sixth. The Indians shall not be permitted to come within the country from La Riviére aux Ecorces to La Grosse Pointe; and shall not be permitted to carry scalps through the town.

Seventh. The convention may be communicated to the American General by flag; and be previously ratified by him."

When General Montgomery took possession of Montreal he entered into a long convention with the citizens differing probably much from the preceding, but having similar objects.

When the Marquis De Bouilli took possession of Tobago he stipulated that the *English subjects* should *bear arms, for the preservation of order with respect to the black population of the Island.*

I will take an early opportunity, after you have had the opportunity of digesting in your reflection these two subjects, and which I flatter myself you will for the present confine to your own bosom, of waiting upon you.

I have the honor to be,
Sir,
with the highest respect,
your obedient servant,
A. B. WOODWARD.*

Colonel
Henry Procter,
Sandwich.

PROCLAMATION BY GEN. PROCTOR, SUSPENDING THE LAWS OF, AND ESTABLISHING MARTIAL LAW IN THE TERRITORY OF MICHIGAN. PRINTED.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

A PROCLAMATION.

By His Excellency HENRY PROCTER Esqr. *Governor of the Territory of Michigan, etc. etc. etc.*

WHEREAS existing circumstances render it necessary, for the Peace and safety of the said Territory, that the LAWS now in Force therein, should, for the present, be suspended, and that Martial Law should be Proclaimed: Now therefore, I the said HENRY PROCTER Esqr. Do by these presents declare, that, the Civil and Criminal LAWS now in Force, in the

*Two days after this letter Gen. Proctor issued a proclamation establishing martial law which will be found in Vol. VIII, p. 642, this series.

said Territory shall be for the present suspended; and I do order and direct that the said Territory shall be Governed by Martial Law untill such time, as the Danger now existing, and to be apprehended, shall be removed. And all Persons residing within the said Territory are required to take Notice of the Present Proclamation and to Govern themselves accordingly.

Given under my Hand and Seal at Detroit this fourth day of Febr: 1813, *and in the* 53*d year of* HIS MAJESTY'S REIGN.

HENRY PROCTER,
COLONEL COM^{E}.

A. B. WOODWARD TO GEN. PROCTOR, SOLICITING A PASSPORT.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XXII.

Letter from M^{r}. Woodward to General Procter.

Michigan, February 6th 1813.

Sir,

I have the honor to solicit the favor of a passport.

I have the honor to be,
Sir,
with the highest respect,
your obedient servant,
A. B. Woodward.

Colonel Henry Procter.
Sandwich.

A. W. McLEAN TO MR. WOODWARD, ON THE SUBJECT OF THE INDIAN MASSACRE OF JANUARY 22.*[1]

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

N°: XXIII.

Letter from A. W. M^{c}. Lean, Esquire, to M^{r}. Woodward.

Sandwich, 9th.. February , 1813.

Sir,

You will have the goodness to appoint a day for the purpose of adducing before Colonel Procter such proofs as you may have to substantiate

*[1][This refers to the massacre by British Indians, which followed the battle of the Raisin, when Gen. Winchester was defeated and captured.]—H. S. B.

the assertions stated in your letter to him, relative to the slaughter of the enemy's sick and wounded on the 22nd..* January last.

I have the honor to be,

Sir,

your most obedient servant,

Signed

A. W. Mc. Lean.

Aid-de-camp.

Augustus B. Woodward, Esquire.

Detroit.

A. B. WOODWARD TO GEN. PROCTOR, RESPECTING EVIDENCE AS TO THE MASSACRE*[2] OF AMERICAN PRISONERS, AND THE ATTEMPTS TO COERCE AMERICANS INTO TAKING THE OATH OF ALLEGIANCE TO THE BRITISH KING.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XXIV.

Letter from Mr. Woodward to General Procter.

Sandwich, February 10th--, 1813.

Sir,

I had the honor to receive, on the third day of this month, a verbal message from you, communicated to me by Major Muir, requesting me to endeavor to procure some *evidence of the massacre of the American prisoners, on the twenty-third day of January last.**

I met with only a few persons at Detroit who are inhabitants of the River Raisin; nor was it, altogether, a pleasant task to *those,* to relate in *these* times, the scenes they have beheld.

Some of them, however, appeared before a magistrate; and I send you copies of what they have stated.

It will occur to you, Sir, immediately, that what any of them state on the information of others, though not direct evidence in itself, leads to the source where it may be obtained.

The truth will, undoubtedly, eventually, appear; and, *that unfortunate day* MUST *meet the steady and impartial eye of* HISTORY.

*[1]This date undoubtedly should be January 23d, as the battle occurred on the twenty-second,—the Frenchtown massacre beginning the following sunrise. See following letter from Judge Woodward.—H. S. B.

*[2]An account of this massacre will be found in Vol. VIII, pp. 642-648.

In communicating your message Major Muir added something having relation to American citizens who might be willing to take the oath to the king.

It will be obvious to you, Sir, that, *in a state of open and declared war, a subject, or citizen, of one party, cannot transfer his allegiance to the other party, without incurring the penalties of* TREASON*; and, while nothing can excuse* HIS *guilt, so, neither are those innocent who lay temptation before him.*

The principles adopted by the United States on the subject of expatriation are liberal; but are perfectly inapplicable to *a public enemy, in time of war.*

The law of nations does not justify, either, *coersion* upon any man *to bear arms against his country.*

VATTELL says that *a man of spirit ought rather to die ten thousand deaths.*

Some of the French inhabitants of the Territory of Michigan, CITIZENS OF THE UNITED STATES OF AMERICA, have been much urged on this subject; and are apprehensive of being further troubled.

I had the further honor of receiving, on the eighth instant, your verbal message, by your aid-de-camp, M^r^. M^c^. Lean, acquainting me that *there was no capitulation on the twenty second of January; and that the prisoners surrendered at discretion.*

I, therefore, *beg pardon for that mistake.*

The principles, however, of the law of nations impose an *obligation* almost equally strong.

I beg leave to repeat a request for the favor of a passport.

I have the honor to be,
Sir,
with the highest respect,
your obedient servant,
A. B. Woodward.

Colonel
Henry Procter.
Sandwich.

A. B. WOODWARD TO COL. JAMES BABY, CONCERNING A PASSPORT.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XXXIV.

Letter from M^r^. Woodward to Colonel James Bâby.

Sandwich, February 15. 1813.

Sir,

I would be obliged to you if you would do me the favor of ascertaining whether I am to have a passport; and what, in that case, will, probably, be the period during which it will be delayed.

If there is a likelihood that the delay will be considerable it would be proper for me to return to Detroit; without trespassing too far on the politeness, inexhaustible as it is, of gentlemen on this side.

If the delay will not be very considerable I should be happy to accompany Captain James Askin,* to-morrow; or on Wednesday, or Thursday.

I pray you to accept my sincere respect.

Signed

A. B. Woodward.

Colonel James Bâby.

A. W. McLEAN TO A. B. WOODWARD, REQUESTING THE LATTER'S ATTENDANCE UPON COL. PROCTOR.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°. XXXV.

Letter from A. W. M^c^. Lean, Esquire, aid-de-camp, to M^r^. Woodward.

Sandwich, 16^th^, February, 1813.

Sir,

I am directed by Colonel Procter to request you will attend to-morrow morning at Sandwich.

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*Capt. James Askin was a son of John Askin mentioned in vols. III, VII, VIII, X, XI, XII, XV, XXXII, etc., of this series.—C. M. B.

Labadie, and the other evidence requested by Colonel Elliott, will be present.

I have the honor to be,
Sir,
your most obedient servent,
Signed
A. W. M^{c}. Lean.
Aid-De-Camp.

Augustus B. Woodward, Esquire.
Detroit.

A. B. WOODWARD TO JAMES BABY, RESPECTING THE FORMER'S ATTENDANCE UPON COL. PROCTOR.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XXXVI.

Letter from M^{r}. Woodward to the honorable James Bâby, Esquire.*
Detroit, February 18th, 1813.

Sir,

I have, this morning, received a letter from M^{r}. A. W. M^{c}. Lean, the Aid-de-Camp of the commanding officer, dated Sandwich, 16th February, 1813, informing me that he is directed to request that I would attend at Sandwich, on the morning of the succeeding day; and that M^{r}. Labadie, and the other witnesses requested by Colonel Elliott, respecting, I presume, the massacre of the American prisoners, on the twenty third day of January last, would be present.

The late period at which the communication reached me, you will perceive, would, necessarily, have precluded my compliance with it.

I am sorry also, Sir, to be obliged to state that when I attended, on the thirteenth day of the present month, for a similar purpose, where I had also, Sir, the pleasure of meeting you, an intemperance of demeanor was witnessed in the commandant, which, in the transaction of business, is as unbecoming in an officer of rank, as it is indecorous in the character of a gentleman; and, greatly, Sir, as I should wish to see a matter cleared up, promptly and upon the spot, which may, probably, become the occasion of so many painful sensations, both in America, and in Europe, it would, notwithstanding, be with great reluctance, except under circumstances

*This letter receives comment in Vol. XXIX, this series, page 654.—H. S. B.,

which I could not, as an individual, control, that I should wait upon any British officer, for, that, or any other purpose, unless I entertained a hope that a similar line of conduct would, in future, be declined.

I have the honor to be,
Sir,
with the highest respect,
your obedient servant,
Signed
A. B. Woodward.

The Honorable
James Bâby, Esquire.

Senior member of His
Majesty's Executive and Legislative Councils of the Province of Upper-Canada.
Sandwich.
County of Essex.
Upper-Canada.

A. W. McLEAN TO A. B. WOODWARD, REQUESTING THE LATTER'S ATTENDANCE UPON COL. PROCTER.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XXXVII.

Letter from A. W. M^c. Lean, Esquire, Aid-de-Camp, to M^r. Woodward.
Sandwich, 18th February, 1813.

Sir,

I am directed by Colonel Procter, Commanding, to signify to you that it is his wish that you should wait on him to-morrow morning, at ten o'clock, at Sandwich.

I have the honor to be,
Sir,
your most obedient servant,
Signed
A. W. M^c. Lean.
Aid-de-Camp.

On service.
Augustus B.
Woodward, Esquire.
Detroit.

WOODWARD'S ACCEPTANCE OF A W. McLEAN'S REQUEST OF FEBRUARY 18, 1813.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XXXVIII.

Note from M^r^. Woodward to A. W. M^c^. Lean, Esquire, Aid-de-Camp.

Mr. Woodward has the honor to present his respects to M^r^. M^c^. Lean, to acknowledge the reception of his note of yesterday evening, and to acquaint him that the same shall be complied with.

Detroit, February 19^th^ 1813.

A. W. M^c^. Lean, Esquire,
Aid-de-Camp.
Sandwich.

PASSPORT FROM GEN. PROCTOR TO A. B. WOODWARD.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XXXIX.

Passport from General Procter to M^r^. Woodward.

Sandwich, February 19^th^, 1813.

M^r^. Woodward is permitted to pass to Fort-George.

Signed
Henry Procter.
Colonel Commanding.

FORMAL NOTE FROM A. B. WOODWARD TO GEN. PROCTOR.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XL.

Note from M^r^. Woodward to General Procter, on his departure.

Mr. Woodward's best compliments, and sincere wishes for their personal happiness, await on General Procter, and family, on his departure, this day, from the Territory of Michigan, for Fort-George.

Strabane, February 24^th^, 1813.

A. B. WOODWARD TO COL. MYERS, REGARDING THE FORMER'S OFFERS OF ASSISTANCE TO THE CITIZENS OF MICHIGAN TERRITORY.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XLII.

Letter from M^r. Woodward to Colonel [Christopher] Myers, commanding at Fort-George.

Saltfleet, March 2^nd, 1813.

I am satisfied that the politeness and humanity of the Commanding Officer at Fort-George will induce him to aid the object of the annexed communication.

He will have the goodness to excuse the extreme scantiness of the paper, the Inn affording no better supply.

Signed
A. B. Woodward.
One of the Judges of the
Territory of Michigan under the
American Government.

Colonel Myers.
Commanding at
Fort-George.

A. B. WOODWARD TO THE CITIZENS OF MICHIGAN TERRITORY, WITH OFFERS OF ASSISTANCE.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XLI.

Letter from M^r. Woodward to citizens of the Territory of Michigan, in confinement at Fort-George.

To any citizens of the United States of America, inhabitants of the Territory of Michigan, who may be in confinement at Fort-George [Niagara].

Saltfleet, March 2^nd, 1813.

Gentlemen,

I proceed on, from this place, to York, this day.

If there should be any thing, in which I can be of any service, to any of you, at that place, I will thank you, with permission of the commanding officer, to let me know it.

Accept my commiseration and affection.

Signed
A. B. Woodward.

R. R. LOVING TO A. B. WOODWARD, RESPECTING THE MAIL OF THE LATTER.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

N°: XLIII.

Letter from Robert R. Loving, Esquire, Captain, and Aid-de-Camp, to Mr. Woodward.

Government-House;
York, 4th.. March, 1813.

Sir,

I have received the directions of Major General Sheaffe* to inform you that Lieutenant Johnson, the bearer of this, being appointed to attend you during the route to Kingston, it is the Major General's desire that you will consign any letters you may have, addressed to persons in the United States of America, to Lieutenant Johnson's charge; who, after the necessary inspection on letters passing from this province into the States, will be ordered to re-deliver them, at that place.

I have the honor to be,
Sir,
your most obedient
humble servant,
Signed
Robert R. Loving. Captain.
Aid-De-Camp.

To
Mr. Woodward.
etc. etc.

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*R. H. Sheaffe was born in Boston, July 17th, 1763. In 1778 he entered the British Army, and was created Baronet for gallant conduct at Queenstown Heights,—afterward being known as Sir Roger Sheaffe.—H. S. B.

A. B. WOODWARD TO JAMES MONROE, REGARDING THE FORMER'S JOURNEY.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Albany, March 16. 1813.

Sir,

I had the honor to address you a line from Brownville some days since, and having travelled some days past faster than the mail it may not be improper to repeat that I propose to make a short stay here for the purpose of transmitting you information of recent events in the Territory of Michigan.

I have the honor to be,
Sir,
with high respect,
your obedient servant,
A. B. Woodward.

The Hon.
James Munroe
Secretary of State.
/Endorsed./
The Hon.
James Munroe.
Mail. Secretary of State.
A. B. Woodward Washington.
Albany, Mar. 16. 1813.

A. B. WOODWARD TO JAMES MONROE.

[Papers and Records of the Territories, Vol. I, 1790-1813.]

The Honorable
James Munroe.
Secretary of State of
the United States of America.
Washington.

Albany, March 22. 1813.

Sir,

Having understood that the Secretary of State was officially charged with matters relating to the Territorial establishments of the American

government I addressed to you, on the fifteenth day of January, in the present year, a letter containing an exposition of the internal situation of the Territory of Michigan, under the flag of Great Britain, and of the objects I had in view by remaining in it; accompanied with sundry documents.

I had previously transmitted two letters to the Secretary of the Treasury, the one dated the seventh day of September one thousand eight hundred twelve, the other the twenty-second day of October in the same year, and one to the Secretary of the Department of War, dated the twentieth day of October, of that year, with the appurtenant documents; conceiving that the matters therein contained might have a more immediate bearing on the concerns of those departments, and, that, so far as they might operate on other affairs, they would not fail to be in the possession of the administration generally.

A few days previous to the thirty first of January 1813 I transmitted some letters addressed to the friends and families of a few of the prisoners whom we had been able to ransom out of the hands of the savages. These letters, all destined to Kentucky, and intended to relieve the connections of the prisoners from the heartrending anxiety necessarily attending an uncertainty with respect to their fate, in such critical circumstances, were contained simply under an envelope; and underwent, of course, the inspection of the British commanding officer.

On the thirty first of January I addressed you a letter covering similar information for twelve other families, and containing my sentiments with respect to several errors which I conceived to have occurred in the conducting of the detachment under the command of Brigadier General Winchester, and a distant allusion to the dreadful massacre of the American prisoners on the twenty-third day of January; an event utterly unknown to, and unsuspected by, General Winchester. These, also, of course, had to undergo a similar inspection.

When I, at length, had the unspeakable happiness of beholding, once more, the flag of my own country, and reaching a republican shore, I announced to you my return in a letter from Brownville, in the county of Jefferson, in the State of New York, dated the 11th.. of March 1813, and my intention of communicating to you from the City of Albany the recent events in the Territory of Michigan; which information was repeated, on my arrival at Albany, on the 16th of the present month.

I have now the honor of carrying into execution those intentions.

It is already known that when the fortress of Detroit and its dependencies were surrendered to the British forces I did not consider the duties

which my country and my fellow-citizens had a right to claim from me as entirely terminated.

To alleviate the calamities which were evidently impending over the inhabitants, to endeavor to restrain excesses and indiscretions which might prove fatal to them, to aid them in the means of repairing where they might find the arm of their country still adequate to their effectual protection, to ward off, to the latest possible period, the sanguinary disorders with which they were constantly threatened, and at length afflicted; in short, amidst a scene of general disaster, devastation and ruin, to sustain, as far as my humble power would admit, the claims of my country, and the right of my fellow-citizens; and to promote, as much as was practicable, in such arduous circumstances, a spirit of humanity, charity, and mercy; this was the task which I fould (sic) myself, by considerations of irresistible cogency, and without reference to danger or obloquy compelled to undertake; and, of which, it now remains to lay before you the result.

The sentiments of those in whose behalf my exertions were directed are, perhaps, the best criterion of their tendency, their efficacy, and their success; and the address of the inhabitants of the sixth of January, and the resolutions of the citizens of the first of February, are of such a nature as to exclude the possibility of comment or amplification. I shall therefore leave this part of the subject in the possession of the government without further remark. It is sufficient to say that up to the twenty second day of January 1813 the result was as beneficial as could reasonably be expected. Some good was evidently effected, and certainly no harm attended it. The lives of our people were still spared; and a spirit of malice and persecution against our citizens was far from being general.

On that day the battle between the British troops, under the command of the then Colonel, but now Brigadier General, Procter, and the American forces, under the command of Brigadier General Winchester, took place; and terminated in a complete victory in favor of the British arms.

A cool, though not a disinterested observer of these events, I could not but notice in the present, as in a former instance, the extreme disparity between the British and the American commanders, in point of military abilities.

The advance of General Winchester to the River Raisin was a measure as erroneous and indiscreet, in substance, as it was weak, and defective, in execution.

The operations of General Procter, on the contrary, were distinguished by the same boldness of conception, the same nicety of judgment, the

same vigor of execution, which characterized his immediate, and far-famed, predecessor, General Brock.

I designated in my letter of the 31st of January at least five essential errors which conceived to have been committed in the conducting of the forces under General Winchester.

It need only here be observed that the immediate consequences of his defeat, however serious and important in relation to the general interests of the nation, were not less operative on, and were indeed perfectly decisive of, the welfare and destiny of the citizens of the Territory of Michigan. To them the prostration of all their privileges, and exile from their firesides, their families, and their property, were the unexpected result.

The forces under the command of General Winchester had maintained a communication with some inhabitants of the River Raisin calculated to draw down the vengeance of the enemy. The journals of various officers, minutely detailing the facts, fell into their hands, after the defeat.

The absence of nearly the whole garrison from the fortress of Detroit would naturally lead to expressions, from incautious men, which, however innocent in themselves, when borne by the officious tale-bearer, and magnified by the malignant heart, might involve, not only themselves, but the community, in destruction. I enclose to you two documents exhibiting an indiscretion of this nature. The caution and the firmness of our well-disposed citizens were promptly and vigorously interposed to counteract and destroy its effects; and, while the inhabitants, with a single exception were faithful to the American cause, beyond the possibility of seduction or temptation, not an instance occurred of a deviation from the principles of honor, in relation to the British service. The restrictions were invariably regarded prescribed by the neutrality which is the result of that species of captivity *where the inhabitants of a country, bearing allegiance to one power, fall under the actual flag of the other, in a time of open and declared war.*

Whilst these causes were operating, on the one hand, to shake the confidence of the British officers in our inhabitants, and to diminish whatever disposition they might entertain to moderation, an event occurred, on the other, beyond all comparison in magnitude; sweeping from the bosoms of our people every vestige of affection and regard; and leaving, almost, no room within an American heart to cherish a spark of British respect or esteem. This was the cruel and never to be forgotten massacre of the American prisoners on the morning of the twenty-third day of January one thousand eight hundred thirteen; an event which will give to the obscure place where it happened immortality in history, and associate its name with Jaffa and Wyoming.

The loss of a fair-fought battle, though it may be a source of *regret,* cannot be a ground of *reproach.* Where *a battle is to be fought,* the human mind naturally expects a *victory to be gained,* on the one side, or on the other. If that victory is the result of superior valor, prudence, or discipline, unpleasant as it is to behold the men whose hands have been imbrued in the blood of friends and countrymen, there still remains enough of a spirit of liberality and generosity to crown that superiority of prowess with applause; and to consider it as constituting a proper and unexceptionable title to admiration and respect. But to massacre the helpless and unresisting prisoner, the wounded and the sick, the faithful and brave soldier, who has surrendered his arms, and abandoned the security derived from association and oganization, reposing his confidence on the honor of eminent military characters, and on the protection of the flag of a great and proud nation, whether it be considered as the result of *design,* or of *neglect,* is a spectacle from which the human eye averts itself with abhorance; a scene, in the contemplation of which humanity sickens; and an act, which all the history of civilized nations concurs to stamp with odium and detestation.

Among the prisoners captured, on the defeat of General Winchester, was M^r^. Whittemore Knaggs; formerly an interpreter of the Indian languages in the service of the United States. My intercession was solicited for him, and cheerfully bestowed. It produced, incidentally, a discussion relative to the naturalized citizens of the United States, which is transmitted to you.

From the period of the battle of the River Raisin a reciprocal distrust and aversion was growing between the British officers and our inhabitants. Anterior to the termination of the month of January a verbal order was given, by the former, to a number of the citizens, against whom no special cause of complaint was preferred, to depart from the country; in direct violation, in the opinion of the latter, of the third article of the capitulation.

That unconquerable spirit of resistance to oppression, whatever shape it may assume, which constitutes an inherent and invaluable trait in the American character, induced the citizens, whose rights were thus invaded, not to submit in silence. They manifested their sense of what they conceived an arbitrary and unjustifiable act by a number of resolutions. My interposition was requested, and was given. In the mean time reinforcements of troops were marched into Detroit, and were accompanied by a proclamation establishing martial law. My passport was immediately solicited, but was delayed for a fortnight. In this interval some interest-

ing and animated discussions took place, relative to the massacre of the twenty-third of January; and to some other matters.

All the documents connected with the preceding matters will be transmitted. In order to preserve clearness, a catalogue of the whole from the 16th of August 1812, the day of the surrender, until the 16th of March 1813, being the day of my arrival in Albany, and comprehending a period of seven months, will accompany them. All, excepting my letter from Brownville, and my letter of March 16th from Albany, have been subjected to the British officers.

On the whole of my route through Canada I experienced uniform attention, respect, and kindness.

During my stay in the Territory, after the capitulation, no occasion produced an absolute necessity of determining whether, in the circumstances in which I stood, I would exercise the judicial functions with which I had been before invested, or not. *I executed no official act in the capacity of a judge.*

The nomination of Secretary, as you are already aware, Sir, and as I fully and distinctly intimated in my letter to Mr. Gallatin, of the 7th of September 1812, I could not accept, according to the provision in the constitution, *without the consent of Congress. I therefore did not act, in any one instance, in that capacity.* The subject was, necessarily, refered to my own government, for their advice and instruction, and was attended with my acquiscence until their pleasure should be manifested; but no consent having been given by Congress, pursuant to the constitution, and no advice or instruction arriving, it was no further adverted to.

No pecuniary transactions, of any description, have taken place between myself and any of the functionaries of the British government.

At my departure my personal expences on my route were politely offered to be defrayed. I gave an assurance that it was not from a wish to treat a civility with repulsiveness, but that by an *official obligation* I was compelled to decline it. I explained that there was a provision in the American constitution that no person, holding a trust under the United States, could receive any emolument from a foreign power, without the consent of Congress; and that, being under oath to support the constitution, I could not permit any doubt to be entertained of my conduct being minutely correct.

A parole has not, at any time, been requested of me.

Thus, Sir have I given you, with unqualified candor, an outline of the transactions which have occurred. To expect that in the *singular*, perhaps *unexampled* situation in which I was placed, unaided, alone, the

counsel of my own government cut off, the course which I have pursued should meet with the *entire,* or, at the least, the *immediate* approbation of every mind, might be to expect too much. It was a course liable to misconception; and, in which, some charity of construction might, in the first instance, be requisite. That it has been marked *with perfect purity of heart* I am abundantly confident. *I hope that I have done my duty; I hope that I have done my* WHOLE *duty; and I hope that I have done* NOTHING MORE *than my duty.*

Desirous not only that my conduct should *be correct,* but that it should fully *appear* to be so; I, at the same time, derive, from the remembrance of it, a sweet satisfaction, which no malignity can touch, and which no worldly contingency can destroy.

I have the honor to be,
Sir,
with impressions of perfect esteem,
and respect,
your obedient servant,
A. B. Woodward.

A COMMITTEE OF GENTLEMEN FROM ALBANY TO MR. WOODWARD, ASKING FOR INFORMATION CONCERNING THE SITUATION IN MICHIGAN TERRITORY.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

N°: XLVII.

Letter from Messieurs Bloodgood, Townsend, and Lansing, a committee of gentlemen of Albany, to M^r^. Woodward.

Albany, March 26^th^.., 1813.

Sir,

It has been intimated that you have, recently, made a communication to the Secretary of State of the General Government, relative to the situation of the Michigan Territory, since it was surrendered to the British government.

Sensibly participating in the sympathy, which the unfortunate fate of that Territory excites in the citizens of the United States *generally,* and, on the frontier of this State, *particularly;* We, the undersigned, acting in behalf of a number of respectable citizens of this City, would be gratified in being possessed of the information you may have so transmitted;

and of your opinion whether it would be improper for us to cause the same to be published.

We have the honor to be,
Most respectfully,
your obedient servants,

Signed

Francis Bloodgood
Isaiah Townsend
Gerrit Yates Lansing
} Committee.

The Honorable
A. B. Woodward
Judge of the Supreme
Court of Michigan Territory.

REPLY MADE TO THE COMMITTEE FROM ALBANY CONCERNING THE SITUATION IN MICHIGAN TERRITORY.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

N°: XLVIII.

Letter from M^r. Woodward to the Committee of the gentlemen of Albany, in answer to the preceding.

To Messieurs Francis Bloodgood, Isaiah Townsend, and Gerrit Yates Lansing, a committee of gentlemen of the City of Albany.

Albany, March 27^th.., 1813.

Gentlemen,

The sympathy which the unhappy fate of the Territory of Michigan has excited in the citizens of the United States *generally*, and, in those of the frontiers of this State, *in particular*, is, at once, as natural, as it is honorable, to the human heart.

The information which I have had occasion to communicate to the Honorable The Secretary of State of the General Government, relative to the situation of the Territory of Michigan, since it has been surrendered to the arms of Great-Britain, is such as might have been put into the possession of the government, and the public, by any other channel; and, I conceive, there is no impropriety in my complying with your polite request.

I do not perceive any reason why the same information might not, without impropriety, be laid, by you, before the public.

I, therefore, do myself the honor to transmit to you, herewith, copies of the several communications, which I have had occasion to make to the General Government, relative to the situation of the Territory under the British flag.

I have the honor to be,
Gentlemen,
with perfect respect,
and esteem,
your obedient servant,
A. B. Woodward.

A COMMITTEE OF GENTLEMEN FROM ALBANY TO THE *ALBANY ARGUS*, ENCLOSING FOR PUBLICATION DOCUMENTS SUBMITTED BY MR. WOODWARD.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

N°. XLIX.

Letter from Messieurs Bloodgood, Townsend, and Lansing, to the Editor of the albany Argus.

TO THE EDITOR OF THE ALBANY ARGUS.

Albany, March 29. 1813.

Sir,

Of the documents communicated to us on the 27th.. instant, by the Hon. Judge Woodward, we transmit you an extract of N°: XX., and Nos.- XXIII. XXIV. XXV. XXVI. XXVII. XXVIII. XXIX. XXX. XXXI. XXXII. and XXXIII. for publication in the ARGUS; as containing matter of public interest.

We are
Sir,
respectfully,
your humble servants,
Signed,
Francis Bloodgood
Isaiah Townsend
Gerrit Yates Lansing
} Committee.

[Envelopes of Letters of the Governors of Michigan Territory, 1805-1820.]

N°: L.

Description and Date of

Letter from M^r^. Woodward to the Honorable James Munroe, Secretary of State. Dated, Albany, April 5^th^.., 1813.

A. B. Woodward.

Albany, April 6^th^.., 1813.

A. B. WOODWARD TO JAMES MONROE, GIVING A DESCRIPTION OF THE FORMER'S LETTER TO THE CITIZENS OF ALBANY.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Albany, April 5^th^.., 1813.

Sir,

I had the honor to receive a visit, on the evening of the twenty fourth of March last, from three distinguished citizens of this place, Messieurs Bloodgood, Townsend, and Lansing, as a committee of a number of very respectable gentlemen of this city and vicinity, stating that having understood I had made, or should make, a communication to the general government, relative to the recent events which had occurred in the Territory of Michigan, it would be very agreeable to them to be possessed of the same information; if I did not deem it inconsistent, or improper.

I replied that I had already made a communication to you, on the twenty-second, but that the transcription of the several documents referred to was not completed; and I saw no particular impropriety in their being possessed of them, as they were, altogether, of a public nature; but that it would be, personally, unpleasant to me, if they should be applied to party-purposes, or to the excitation of public passions.

They assured me that they should make use of them in an impartial and dignified manner, rendering the public mind possessed, in an authentic shape, of *facts;* and abstaining from unnecessary amplification, or inflammatory comments.

On the twenty-sixth I received a letter from those gentlemen; of which, and of my answer, I have the honor to transmit you copies—

I must do them the justice to say that they entered very correctly, into my feelings, and gave the documents to the public in an impartial and dignified manner; without any virulent remark, or a comment of any kind. I transmit you a copy of their note to the editor.

It was an apprehension, prevailing, very strongly, in the minds of the British officers, at the time of my departure from the Territory, that my intention was to expose the subject of the massacre; so as to exacerbate and inflame the public mind in the United States, against them.

I assured them that it was far from my disposition, and as far from my intention, to render that still worse, which was, itself, originally, bad; and to incense passions which were, already, perhaps, sufficiently high; but that, the facts having occurred, my government, my countrymen, and the world, were entitled to the possession of them, and certainly should be so, *as far as my freedom of agency extended.*

They observed that if the facts were not *misrepresented,* or *magnified,* however unpleasant they were, they *knew that they had to meet him;* and did not intend to attempt their suppression.

I stated that, so far as depended on myself, they should not be *misrepresented,* or *magnified.*

I added that there were few things, however bad, from which the well-disposed mind might not extract some good, and that, while to incense and inflame might produce evil, there was one good which, assuredly, might be extracted from this transaction, and that, certainly, within their own power; which was, to use such effectual care, *that a similar massacre should not occur again.*

I took care, at the same time, distinctly, to explain to them, that when matters of any kind were in the possession of the public, in our country, as well as in their own, it was utterly impossible, if indeed it were desirable, to restrain the current of editorial remarks, or to controul the discussions of party-writers; but that there was considerable discrimination in the public judgment, arising, probably, from that very circumstance, for whatever one party were disposed to misrepresent or exaggerate, the other was sure to take off the surcharge, and correct the effect; and that, in short, I had scarecly observed any man who had been *really* deceived by our public presses, *excepting some residing out of the limits of the United States.*

Of course I was not to be understood as sustaining a responsibility of that nature.

In the latter allusion they were, evidently, themselves included.

On *their* minds the conviction is, irremovably, made, *that the American government are devoted to* FRANCE.

In vain I attempted to shew how little cause there was for the Americans to be attached to any power in Europe; and that, if any thing like a real influence was possessed at all, it belonged to the English.

If there was at any time a real, or apparent, coincidence of action, between France and America, it was founded on the unbiassed judgment of the administration that it was both the *interest,* and the *duty,* of AMERICA; for, that whatever were the agressions of the French, any diligent or candid investigator would find there was always a *prior agression,* on the part of England, to occasion it.

You will be aware, Sir, that political discussions were out of place, on either side. Of course they very rarely occurred. Sometimes, however, they would, unavoidably, arise.

I flatter myself, Sir, that, in my compliance with the request of the committee of the gentlemen of this city, I shall not have deviated, in your judgment, from *the course which the circumstances rendered proper.*

I have the honor to be,
Sir,
With great respect,
Your obedient servant,
A. B. Woodward.

The Hon.
James Munroe.
Secretary of State.

WOODWARD TO (MONROE), ASKING FOR COPIES OF THE FORMER'S PUBLICATION AS TO BARBARITIES OF THE ENEMY.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

October 21. 1813.

In a conversation with General Procter, at Sandwich, I intimated to him that a publication, similar to what has appeared, or is about appearing, on the subject of the barbarities of the enemy, would, probably, be made; and that the matters which were in my possession, if they were not placed out of my control, would form, very likely, a part. He, among other remarks, intimated a wish, if that should be the case, to be possessed of them. I readily answered that if a copy came into my possession, and I were permitted, I would transmit it.

I now suggest to Col. Munroe, whether, if the publication is already complete, or, shortly, will be, it may not be proper to put into my possession one or more copies, and to permit me to transmit one, or more, particularly, to General Procter; and one or more, to some of the principal inhabitants of that quarter, British and American.

A. B. Woodward.
Crawford's Hotel Georgetown.

WOODWARD TO MONROE, RESPECTING AMERICANS BEARING ARMS IN FAVOR OF GREAT BRITAIN.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Washington, December 23. 1813.

Sir,

The president is desirous of detailed information respecting Americans bearing arms in favor of Great Britain. There is a gentleman now in the City, and about to leave it, Major John Anderson, lodging at M^rs^.. Dinmore's, Pennsylvania avenue, who happens to know, personally, that Captain Hatt's company of militia had the lieutenant and ensign native American citizens naturalized under the British laws since the pacification of 1783, and that a great proportion of the company, perhaps two thirds, consisted of persons of the same description. This company was at the surrender of Detroit on the 16^th^.. of August 1812. Major Anderson knows this from three circumstances. 1. He heard the persons themselves say so. 2. He recognized them from speech and habits to be so. 3. They were personally known to many of the American prisoners, and made enquiries, after the surrender, of their friends, acquaintances, and relations. They were principally from the States of New Hamshire and Massachusetts. Major Anderson also knows Captain Elliott, a native American citizen, naturalized under the British laws subsequent to the pacification of 1783, and employed in the military service of Great Britain, and who was present at Detroit at the surrender, and was also present, at the River Raisin, in the Territory of Michigan, at the defeat and capture of General Winchester and his army, on the 22^d^. of January 1813.

Accept, Sir, my respects.

A. B. Woodward.

Hon. Col. Monroe.

WOODWARD TO MONROE, RESPECTING THE ASSEMBLING OF THE GOVERNOR AND JUDGES OF THE TERRITORY.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Monticello, May 21. 1814.

M^r^. Woodward has the honor to present his respects to the Secretary of State; and to acquaint him that in pursuance of a letter received yesterday from Governor Cass, the third Monday in August next is pro-

posed for the assembling of the Governor and the judges of the Territory of Michigan in their legislative department; of which the two judges, and the secretary have been also apprized.

/Endorsed./

The Honorable
James Monroe.
Secretary of State.
Washington.

Mail.

A. B. Woodward.
Monticello, May 21. 1814.

WOODWARD TO THE SECRETARY OF STATE, CONCERNING THE APPOINTMENT OF A MARSHAL.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

The honorable
The Secretary of State.

Detroit, October 16th, 1814.

Sir,

The application which I had the honor of transmitting to you in behalf of the gentlemen here who proposed his services as marshall was duly presented to the consideration of the judges on the succeeding day; and a difference of sentiment obtaining between my colleagues with respect to it, and being desirous on my own part not to interfere personally in relation to apppointments in the country, I have it not in my power, at this time, to be the medium of communicating to you a more definite result.

I have the honor to be,
Sir,
with high respect,
your obedient servant,
A. B. Woodward.

Endorsed.

The Honorable
The Secretary of State, of
the United States.
Washington.

WILLIAM WOODBRIDGE TO JAMES MONROE, AS TO THE INTERPRETATION OF CERTAIN ARTICLES OF THE TREATY OF 1794.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Detroit March 19. 1815.

Hon. James Munroe Esquire

Sir,

I have the hon^{r} to state to you, that within a short time past, efforts have been made by some persons one *of whom I apprehend to be a British subject,* to take goods without license, into the most hostile part of the Indian Country—One of those principally concerned in the transaction. being sent for into the Indian Country, has been made sensible of the impropriety of his pursuit, and has relinquished it.—Such an occurrence however may be repeated.—It becomes therefore desirable that I should be advised how far the 3^{d} article of the British treaty of 1794. is considered by the Executive to have continuing efficacy?

By the politeness of Col. Butler, I have been permitted to read a newspaper containing a copy of the late treaty.—It would not seem that the subject of that article of Jay's treaty, to which I allude, (I mean that which authorizes British subjects to have commercial intercourse with Indians within our boundary) has been directly acted upon by the Commissioners at Ghent. If by the intervening War, all previously existing conventions between the two Governments be deemed to have been abrogated, and if true policy require, as I trust it will be deemed to do, an absolute and total exclusion of all British commercial intercourse with the Indians living within our boundaries, a system of considerable extent and force will unquestionably be requisite to effect the object.—Many went, [in any event] I have no doubt but very many British and other traders will endeavour to make establishments among the Indians.

Should it be considered that by peace, those provisions in former treaties, which may not have been expressly acted upon and which were not previously matter of dispute, be revived, still I apprehend some further statutory provisions may be requisite—I say nothing concerning any other law than that to be found Page 37. Vol. 6 of the U. S. laws, for I can find no other on the subject, among the remnants of publick property, not taken by the enemy—

I find no provisions adequately defining the power of the superintendent of Indian affairs in this Territory

I find no law vesting in a Justice of the Peace *of the Territory* the power to arrest on a charge of an offence against the U. States. The Superior Court of the Territory has cognizance of such offences—and a justice of the peace of a state has the power to arrest:—but there is a probability that many offenders may escape unless a Justice of the Peace of *the Territory* be vested with the authority to arrest persons charged with the offence of trading with the Indians, without license—a power which it will not probably be considered competent for the Territorial Legislature to give. There is one other topick, on which Sir, in the absence of Gov^{r} Cass and as acting Governour, I feel it to be my duty to say a few words.

The mass of the people of this Territory, are in a condition of much distress—Very considerable sums of money are said to be due to them for their services during the war, as militia—but to this subject it is sufficient for me barely to advert, as I understand it has probably been fully stated to the government by Gov Cass—It is understood that money has been heretofore placed subject to the controul of some person, M Watson perhaps,—for the purpose of paying them: but the evil still exists. If they were paid what is understood to be due to them, it would help them much, but would not altogether remove their distress—The pressure of the war has been indeed severe upon them.—While it is to be remarked that perhaps no one section of the Union, could have exhibited more indubetable evidence of a fervid attachment to their Government than the people of this Country have exhibited, no equal portion of the community I am confident, have been so greatly harassed and distressed. The savages, the most barbarous and inhuman of all enemies, have given them, at no time, any rest: During the intire period of the war, they have been continually upon them: A very considerable proportion of them have now, nothing to plant, nothing to eat, and no money to buy with.—In one instance, as I have been credibly informed, a family at the Reiviere aux Raisin, has been reduced to the most lamentable necessity of eating, for subsistence salted hay!

The humanity of the Goverment, has it is true, thro' the vigilence of Col. Butler, afforded much releif—but it has been an inadequate and an uncertain one. Policy surely, as well as humanity, would justify a more competent provision for the exposed frontier people.

Beleiving as I do, that his Ex^{y} Gov^{r} Cass—Col. Butler and Judge Woodward have each made mention of this subject to the Government, it might be deemed unnecessary that I also should allude to it:—But I could but illy justify myself to my own sense of duty, were I to with-

hold on (an) expression of an opinion on such a subject, while acting in the situation, it has pleased the Gov^t to place me in. I would indeed have brought this subject before our local Legislature, but that from the absence of Judges Griffin and Witherell, for a considerable time, it has been impossible to convene it—Nor would I have referred this subject to the Territorial Legislature, so much with the view of obtaining any immediate releif—the poverty of the people, the derangement of the fiscal concerns of the Territory, and its debts, which are of many years standing would preclude that hope:—but it would rather be with a view to present to the General Government a more authentick and a more ample representation

Hoping Sir that I may be pardoned for protracting this letter to so great length

I have the honour to subscribe myself
Sir,
with great respect
Y^r very obed^t Servt
W^m Woodbridge
Secretary and acting Gov^r
of Michigan

JOHN GRIFFIN*[1] TO ( ) IN REGARD TO A TRANSFER.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Pittsburg July 31^st 1815.

Dear Sir.

Will you permit me once more to trouble you on the subject of a transfer.—I am indeed so fully sensible of the liberty I have already taken, and the trouble I have already given you, that nothing but the extreme importance to me of success in this application, could again have induced me to intrude upon your time. If in this wish I could but be gratified, it will be the only application, I shall ever take the liberty of making to the Government. Judge Sprigg,*[2] will, if he has not already, as I am informed, send on his resignation.—Although very unwell, I shall leave this in a day or two for Detroit—A place, that during nine years, I have found fatal to my Health;—nor do I discover any means of leaving it.

*[1] John Griffin was appointed Judge in 1806.

*[2] William Sprigg was appointed Judge in 1805 but did not serve.—Vol. III, this series.—H. S. B.

unless I could succeed in my present application.—An obligation which through Life I should be grateful for.

With the highest consideration
and respect
I beg to be considered
As your Most Obedient And Obliged Servant
John Griffin

REGARDING THE ARREST AND TRIAL OF LIEUT. ALEXANDER T. E. VIDAL.

It appears from the following papers that Alexander T. E. Vidal was a British subject, and that he was arrested for rioting. He was tried Oct. 9, 1815. A jury of twelve persons was called and it was ordered that six of them be aliens. One of the six, George Meldrum, was excused as "too infirm" to serve. The six ultimately chosen were among the following twelve who composed the jury: John Goff, Augustin Lagrave, John Fearson, Shubael Cook, William Russell, William Watson, John Kinzie, William Siebert, Asher Cook, Abraham Cook, James Wiles and Joseph Cotè.

Vidal was acquitted.

There is an entry on October 13th, that Vidal was fined $631.48 for riot.

A transcript of the proceedings in this case was sent to the secretary of state, and at the same time, a transcript of the case of James Barry was sent to the secretary.

On October 14th is another entry, in the records of the Supreme Court, that Vidal was acquitted on the charge of riot.—C. M. B.

E. W. C. R. OWEN, CHIEF OF THE BRITISH NAVAL FORCES, TO THE COMMANDING OFFICER OF THE TROOPS AT DETROIT.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

Commodore Sir Edr. W. C R Owen Knight Commander of the most honorable and Military order of the Bath and commander in chief of the Naval Forces of His Britannic Majesty upon the Lakes of Canada.

To the Commanding officer of the Troops of the United States at Detroit

Sir

A Robbery to a considerable amount having been committed by certain persons belonging to H B M Schooner Confiance, who afterwards deserted taking with them two of the Boats belonging to that Vessel, Lieutenant Vidal of His Majestys Naval Service landed at the place where one of those boats was found with a view of recovering any part of the Stolen property which might be there abouts. In so doing (it is reported to me) that he has been arrested by an officer of the United States Militia and

Sent to Detroit. I have therefore the honor to address myself to you with a request that this officer may be released, and that you will please further to take such Steps as you see proper to enable him to recover the stolen property and that the persons of the robbers may be Secured, being with consideration

Sir
Your Obedient & Humble
Servt.
E. W. C. R. Owen

H B M Schooner Huron
in the River Detroit
5th September 1815

E. W. C. R. OWEN TO GOV. CASS.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

H. B. M. Schooner Huron
River Detroit 6th Sept 1815

Sir

I have the greater Satisfaction in replying to Your Excellencies letter of yesterday, as the circumstances attending the detention of Lieutenant Vidal are not at all involved in the General principles it lays down

Your Excellency is pleased to request that I will restore a man who never sought the protection of the Government of the United States or claimed it from any officer Civil or Military or from any other person belonging to it. It appears by the mans own Statement that he was taken away without his knowledge being intoxicated and a Sleep in the Boat when she was Stolen by the deserters, they landed him in the morning and he was on his way to the shore returning to his Vessel, when he met his officer and willingly obeyed his order to go into the Boat; no force was used no party landed, except A Midshipman and an Interpreter who is a Boy

Such being the facts Your Excellency will perceive that much exaggeration has been resorted to in the representation which was made to you. The question is such at present as but regards the officer personally and I have no hesitation in renewing my request for his immediate release feeling assured that Your Excellency viewing the transaction in its true

light will readily comply therewith. You Sir are well aware that British officers landing in this part of the Territory of the United States have been exposed to insult and you will Judge how far the proceedings in which the Circumstances have been much exaggerated and Mistated has its grounds in that Same feeling

In my former letter I had the honor to State that this was not a case of simple desertion, but that a Robbery had been committed to a considerable extent previous thereto, the Cloathes of Leut Vidal were amongst the things which had been stolen and I am now informed a pair of Boots belonging to him were in the house at which he was arrested and that it was whilst claiming them and others of the Stolen goods that the arrest was made

It is with reluctance that I advert to any circumstance of general aggravation but it is my duty to State that previous instances have occurred in which citizens of the United States whilst protecting Deserters from our Service have bargained with them on the very bank before the persons who pursued them, for the Boats and other things which they had Stolen and tho in this particular instance they have not been bargained for so openly. Yet frivolous pretences have been found to avoid the restoration by the parties

I beg therefore Your Excellency weighing all the circumstances attending a transaction in which I do not hesitate to Say that no offence against the laws of the United States has been intended or in fact committed, will consult whether it will be needfull to resort to our Respective Governments and thereby keep alive those irritable feelings which it is so desirable shall be forgotten Had the Lieutenant committed any act of indescretion which (considering his ready submission to the first person claiming to hold authority under the Government of the United States) does not appear to have been the case. I should have had great pleasure on that as I shall in any future instance in attending to the Representation and correcting it who have the honor to remain

Your Excellencies Obedient
and Humble Servant
E W C R Owen R. C. B.
Com^{d} Comdg H B. M. N. Forces

To
His Excellency
Gov Cass

LEWIS CASS TO E. W. C. R. OWEN.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

Detroit September 7, 1815

Sir

I have the honour to acknowledge the receipt of your letter of yesterday and have given it that attention which the importance of the Subject demands.

The facts which occurred during the transaction for which Leut Vidal was arrested have been differently reported to you and to me. Had the Statement which I have received been made to you, I flatter myself the immediate restoration of the individual taken would have followed my request of Monday and this business equally disagreable to us all would have terminated to our mutual Satisfaction

I trust you will do us the Justice to believe whatever course this Subject may eventually take, that personal feelings will not influence its result and if they did those feelings would prompt the unconditional liberation of Leut Vidal whose conduct Since here not less than his Situation interests us in his favour Leut Col James in a letter of yesterday Stated to me that British officers landing upon this Side of the River had been insulted. This was the first intimation I received upon the subject You will therefore Judge, Sir, how far I am "aware" that such things have occurred. Our laws afford equal protection to your officers and to Ours. The Same acts which towards the latter are criminal, are criminal towards the former. And I take this opportunity of assuring you, that in every instance where acts penal by our laws are committed towards your officers, if application be made to me I will direct prosecutions to be instituted against the offenders. For any thing farther this your officers must rely upon the courtesy and hospitality of the Country and deeply shall I regret any incident which may prove us deficient in either.

In all Countries individuals are found whose personal conduct adds nothing to the character of the Nation. Some time must elapse before the passions excited by the late war will entirely subside, and untill then I trust your officers are too liberal to think that the Social virtues characterize the one party and the want of them the other.

I am gratified in being enabled to inform you that a part of the Stolen property has been recovered together with many papers which Shall be subject to your order. The Same disposition shall be made of all which does not elude the diligent search now making.

I am compelled again to request of you a restoration of the Individual taken by Leut Vidal to the Situation in which he was found. If he was a deserter, their can be no doubt, but the taking of him in the manner represented as well by Lieut Vidal as by others was improper and a direct violation of our National Sovernity. If he was not no injury can follow by placing him where Leut Vidal found him and submitting to his personal conduct the decision of the question at issue. If he Voluntarily returns as is my sincere wish, this irksome subject is terminated. If he claims to remain it is also terminated by shewing the impropiety [sic] of Leut Vidals conduct, and by your redressing the wrong in a manner equally due to the character of the United States and Great Britain

I trust in urging this request you will discover the motive in a wish to protect our own Territorial rights and not to encourage deserters. We do not want them, they add little to the mass of the population and less to the publick stock of industry and talents. And I am confident their is no other disposition to protect them, than is necessary to the protection of one of the most essential attributes of National Sovereignty.

My duty as an executive officer is marked out by the law, and I feel confident you will not ask me to violate it. Leut Vidals case is one which demands the interposition of the Judicial Authority which is alone competent to decide upon it

Very Respectfully Sir
I have the honor to be
Y^e^ M^o^ Ob Ser^t^.

Lewis Cass

Commodore
Sir Edward W. C. R. Owen

E. W. C. R. OWEN TO GOV. CASS, RESPECTING VIDAL.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

H B M Schooner Huron
River Detroit Sept 7. 1815

Sir

I have the honor to acknowledge the receipt of Your Excellencys letter of this date, but whilst I thank you for the courtesy of style in which it has been written, I must express sincere regret to find it does not meet me with that spirit of conciliation I had hoped would mark this painful intercourse between us, and which is best adopted to soften prejudice in whatever cause arising.

Prejudice is not the inhabitant of well informed minds, and in calling your excellency's attention to its possible operation (as acknowledgedge to exist) in the circumstances Reported to you of Luit Vidal, I must disclaim distinctly all intention of its indiscriminative application. Had I been weak enough to yield an instant to such impression its injustice would have been most fully proved to me in the little intercourse which under circumstances much more gratifying to my feelings, I have held with officers of the United States. It is unnecessary to follow the General reasoning of Your Excellencys letter, in points which do not bear upon the present Question, in assuring you (as the commanding officer of this part of the forces of His Majesty) that this was no intention to infringe the Territorial rights of the United States, and that the man whom you demanded not only denied that he had sought or claimed protection from it, but asserted that he willingly obeyed the order of his officer to go into the Boat no force being used to make him do so—In further making known to you my readiness to notice any act of individual Indescrition which might be pointed out to me, it Seemed to me I offered every thing Your Excellency could require. I much regret that you have thought it needfull to meet these overtures by a proposition little calculated to restore good understanding but which must on the contrary serve decidedly to inflame those prejudices warlike condemn.

Ill indeed should I fullfil the honourable charge confided to me, could I consent that an armed subject of his Majestys should be submitted to such an experiement against his own assertion and in the face of all the arts which have been practised by interested individuals to seduce others from their duty.

Thus Sir there remains to me (in closing my communication with Your Excellency on this subject) no alternative but that of throwing upon your protection the officer you have thought proper to detain, whilst I appeal to the Justice of our Governments; And of Subscribing myself

Your Excellencys
Most Obedient and
Very Humble Servant
E. W. C R Owen R. C. B
Commodore Commanding
in chief etc etc etc

His Excellency
Governor Cass

AFFIDAVITS OF JOHN MILLER, AND HENRY TUCKER, RESPECTING VIDAL.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Territory of Michigan
District of Detroit To wit:

Personally appeared before me, George M^cDougall, a Justice of the Peace, in and for the District of Detroit aforesaid, John Miller, a Citizen of the United States and farmer, residing at Cross Point in said District, who being solemnly sworn, deposeth and saith, that on Tuesday last, the fifth instant, two British officers accompanied with a person, who was afterwards recognized to be an Indian Interpreter, in the British Service, came to the Deponents dwelling house, while Henry Tucker, and Miles S. Miller, were on a visit—The officers having a Canoe with a dozen or fifteen men accompanying them with Indian Fusees, which Canoe, did not land, being close to Shore, one of the said officers, whom Deponent since known to be Lieuten^t Alexander Vidal, asked us, if we were Americans? and being answered in the affermative enquired, if we had seen a Canoe, with eight British Deserters?—Deponent replied that he had not seen any of them, and enquired from whence they had deserted—He said from a Vessel laying opposite to Fort Gratiot—M^r. Vidal, then remarked, that I have caught one of the damned Villians, and have him in a Canoe with us now—He then walked out, and called to the Prisoner, who Deponent saw laying down in the Canoe, with his arms apparently tied, and asked him, "if he could ascertain the place where they landed with the Canoe? We can find nothing out said the Officer, from these people where you landed." Miles S. Miller and Henry Tucker, then mounted their Horses, passed the Officers and went down—The Officers and Interpreter followed them as fast as they could. Deponent, some time afterwards heard the report of a gun towards M^r. Bourres, and supposing something extraordinary, went there—When arriving near M^r. Bourres, he saw the man who had accompanied said Officers on the road priming his fusee, who he now learned was a British Interpreter—Hearing a great noise in the house, went in, and saw M^r. Bourray and Captain John Meldrum, and the same British Officers talking together very vehemently, after some time, they got more cool, when one of said officers remarked, that he commanded the whole party— Asked Captain Meldrum to write down his name, which he did, and gave it to the Officer, who, in turn wrote down his own, and gave it to Captain Meldrum, who informed this Deponent, that he called himself Alexander Vidal, a Lieutenant etc. Eight

or ten Citizens assembling at M^r^. Bourres proposed taking the prisoner out of the Canoe, when the people in the Canoe, took her off to the Vessel, and the Officers and Interpreter were detained—A little prior to the departure of the Canoe, Deponent saw the men on board loading their Arms, and asked Lieutenant Vidal to release the prisoner he said he would not Deponent asked him what he would do if the Citizens attempted to rescue the prisoner Lieuten^t^. Vidal said it would not avail, as his men were armed, and he would fight for him. Captain Mildrum and Lieuten^t^ Gorin afterwards accompanied Lieuten^t^. Vidal to Town, Shortly afterwards, a boat came from the Vessel and took the other Officer and Interpreter on board.

(Signed) John Miller

Sworn and Subscribed before me, at my chamber in the City of Detroit, this eighth day of September A. D. 1815.

(Signed) George M^c^. Dougall
Justice Peace D. D. T. M.

Henry Tucker, being sworn, corroborates the fact of Lieuten^t^ Vidals conversation with John Miller, when Lieuten^t^. Vidal, said he had caught a deserter, one of the damned Villians, and had him in a Canoe at the water side, and that he, Henry Tucker, thereupon immediately mounted his horse accompanied by Miles S. Miller, and rode as fast as they could to Charles Rivards to give the alarm, where they found Captain John Mildrum, who accompanied this Deponent on Horse back to Bourrays place, where Deponent saw a man walking with a Gun on the Bank like a sentry, Captain Meldrum, dismounted, seized the fellow by the Shoulder, but could not get the gun, which the fellow tried to get round to shoot Captain Meldrum. As it appeared to this Deponent, who siezed the gun which the fellow cocked.

(Signed) Henry Tucker.

AFFIDAVITS OF CHARLES N. GREEN AND CHARLES REVARD, CONCERNING THE CONDUCT OF VIDAL.

[Letters and papers from the Territory of Michigan, 1805-1815, State Dept., Washington.]

Territory of Michigan
Destrict of Detroit } To Wit

Be it Remembered that on this eighth day of September in the Year of our Lord one thousand eight hundred and fifteen, Personally appeared before me George M^cDougall, one of the Justices assigned to keep the peace within the District of Detroit aforesaid Charles Nowlet Green a Leiutenant in the first Regiment of Michigan Militia, who being solemnly sworn deposeth and saith, that on Tuesday last the fifth day of September present, in the forenoon while standing on the high road at Gross Point in said District of Detroit opposite to his dwelling house, he observed a Canoe under Sail coming down towards him and seeing them turn suddenly about towards Louis Bourrays upwards his Curiosity was excited and caused him to go and see who they were, the Canoe kept out at some distance from shore opposite to Bourrays and when the deponent came there he observed a man on the high road loading his gun and was a stranger to him, looking towards the Canoe at the same time he saw a person there also in the Act of loading a Gun. Deponent asked a number of Citizens what was the matter and he was told that the people on board the Canoe had forcibly taken a man out of M^r. Bourres House, and had him secured on board the Canoe, Deponent thereupon went into M^r. Bourres House where he found two other strangers apparently British officers, and one of them talking to Captain John Meldrum, Deponent informed this officer that as Leiutenant Commanding in the absence of the Captain he conceived it his duty to insist on the persons being liberated from the Canoe, who had been Kidnapped, otherwise he must detain said officer as his prisoner and take him to the General at Detroit to which the officer made no great objection provided he could be allowed in the first place to go on board his Vessel to shift his clothes, which this Deponent refused, remarking that the General would excuse his dress as he was a traveller Deponent then procured a horse from M^r. Charles Rivard for the British officer and accompanied him to detroit, on the way the officer remarked that he would rather lose one of his Arms, than to release his prisoner, and Deponent answered that he would lose

one of his Arms rather than release the Officer whose name this Deponent is informed is Leut Vidal who with the other two Strangers who accompaneid [sic] him landed with fire Arms. And further this Deponent saith not

Charles N Green

Sworn and Subscribed
before me at my
chamber in the
City of Detroit the day
and year first above
written

George M^cDougall
Justice Peace D D. T M

Charles Rivard, sworn says that the arrival of a Canoe with British Armed men at Gross Point in the District of Detroit on the fifth Ins^t- about ten in the forenoon, which kept at some distance from the shore opposite to M^r. Bourres near Deponents farm, caused him to advance opposite to where they were, while looking at them with M^r. Bourres he observed a man aboard loading a gun laying it down and then taking up another and loading that also which induced him to return ho[me] for his arms to put himself on the defence, his feelings was [sic] much hurt at their proceedings of these people he considered it a great insult. Shortly after the Canoe went towards the Vessel and a Ships Boat landed next to M^r. Bourres and took on board the two men who had landed with the Officer Lt Green took a prisoner to Detroit

Charles Revard

AFFIDAVIT OF JOHN MELDRUM, CONCERNING THE CONDUCT OF VIDAL.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

Territory of Michigan } To Wit
District of Detroit }

Be it remembered that on this eighth day of September in the Year of our Lord one thousand eight hundred and fifteen Personally appeared before me the undersigned one of the Justices assigned to keep the peace within the District of Detroit aforesaid Captain John Meldrum of the 1^st Reg^t of Michigan Militia who being Solemnly Sworn Deposeth and

Saith that being at Gross Point on private business on the fifth day of the present Month of September in the forenoon being informed that four British armed men were searching the Houses in the Nieghbourhood, exclaimed is it possible that they will still encroach on our rights in this manner And asked Henry Tucker to accompany him on horseback and rode as fast as possible untill they got on the rise of the hill of Bourrays place, observed a man armed with a Fusee walking backwards and forwards like a Sentry—Deponent immediately went up to him and Seized him and his Fusee, Henry Tucker also laid his hands on the Fussee, which this Deponent verily believes prevented his being shot as the Fusee was Cocked by Lassamboise and went off and was discharged instantly on which a Canoe with 12 or 15 Armed Men rowed and paddled up to where we were, Deponent informed the Man whose Name he afterwards found out to be Lassamboise an Indian Interpreter in the Service of the British Government as he was informed that he would not hurt him and conducted him by the collar to M^{r}. Bourres house where he found two British officers one of them Called out Hallow Hallow what was the matter Lassamboise answered that he was taken prisoner Deponent informed the officer who said he had the Command whose Name was Alexander Vidal that he was astonished at his conduct in coming into our Territory with an armed force and acting in the Manner they had done he replied that it was by the order of his Superior officer which [sic] he was bound to obey as they were in Search of Deserters who were theives and of no use to any Country—Deponent said that if he the officer had applied to the legal authority they would have got satisfaction, but as the case was he would take him a prisoner and deliver him to the Leutenant of Militia unless he would liberate the man he had forcibly taken on board the Canoe on which the officer replied he would not give up the deserter he had taken. And if he had attempted to escape from him that he would have Shot him and every one of the Deserters he could find or See no matter where they were. Deponent Saw the man at Gross Point about an hour before he was in the Canoe a prisoner

On Leut Vidals remark respecting shooting the prisoner or deserters, Deponent remarked that if that was his play theere [sic] were thousands, Deponent could have got to have done as much, and if Deponent had been there he would have shot the officer himself not that he cared for the deserters but for their bold undertaking, if that was the way you would have treated me said Lt Vidal I have plenty of armed men in my Canoe laying near the Lake shore and at that moment, Deponent saw the men in their Canoe load their peices having no doubt received instruc-

tions from Lassamboise to that office Deponent then told Lt Vidal if that was his wish it Should be done immediately Lt Vidal said his object in landing at Gross Point was in Search of deserters who had stolen property

John Meldrum

Sworn and Subscribed
before me at Detroit
the day and year first
above written
George M^c^Dougall
J. P. D. D. T. M

AFFIDAVIT OF THOS. MAYNE, CONCERNING THE CONDUCT OF VIDAL.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

Territory of Michigan } To
District of Detroit } Wit

Be it Remembered that on this Eleventh day of September A. D. one thousand eight hundred and fifteen Personally appeared before me the undersigned a Justice of the Peace of the Territory and District aforesaid, Thomas Mayne who being solemnly sworn, Deposeth and saith, that he was at Gross Point on Tuesday the fifth day of September last, in the forenoon, when he left Cap^t^ John Meldrums Camp in Company with Thomas Raynor and others, and being about a mile from thence, within one hundred Yards of John Grants House, Saw a Canoe coming towards shore, and two Officers and an Indian Interpreter on shore, whereupon the party all scattered, Deponent went towards the woods while laying in ambush, saw Leut Alexander T E Vidal in the Naval service of His Britannic Majesty one Abraham Beecher a Midshipman and an Indian Interpreter seize the Said Thomas Raynor and hussel [sic] him towards the Canoe the Said Thomas Raynor strove to get from them as much as he could but being intoxicated could not make any effectual resistance, and he was taken by force on board the Canoe And further this Deponent saith not

Thomas Mayne

Sworn and Subscribed
before me at my
Chamber in the City
of Detroit this eleventh
day of Sept A D. 1815
George M^cDougall
J. P. D. D. T. M

This man was the most intelligent of the deserters. The other witnesses are all inhabitants of this Territory.

EXTRACT OF A LETTER FROM SIR EDWARD OWEN, RESPECTING VIDAL.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Extract of a letter from Commodore, Sir Edward Owen, to M^r. Baker, dated H. M. Schooner Confiance, off Sandwich River Detroit, September 9^th. 1815.

On the night of the 3^d instant, the Confiance being at Anchor near the Rapids at the head of the River S^t Clair, some seamen, who previously broke open, and plundered her store, and stole cloathes from some of the officers and comrades, ran away with two of the Boats attached to her. On the following morning, one of the Boats being found abandoned, Lieutenant Alexander Videl, was despatched by Captain Owen, (under whom he served) with an armed Canoe, to serch for, and overtake, if possible, the other Boat with the thieves. About noon, the 5^th, Lieutenant Videl, having landed on the American side of Lake S^t. Clair, was informed the Boat he sought, was near that place; and that several of the stolen things were at a public house some distance off. The Lieutenant was [with] a Midshipman, and an Interpreter (a Boy) walked towards this house, the boat following them along the shore; on their way, they overtook a man, who proved to be one of those missing from the Confiance, he neither quickened his pace, or avoided his officers, but being desired by them to go into the Boat, he readily obeyed, and sat down on the bench, until she came. The Lieutenant walked on to the public House, where he found some articles of the stolen property; whilst engaged in looking at these things, a crowed collected, accusing him of having violated the law. They were about to seize him, when the Lieutenant conscious of not intending wrong, offered to attend them to the Governor, wishing at the same time, to make application for the recovery of the stolen goods.

A Mr. Meldrum, an officer (as he said) of the Militia, appears to have been the leader in this transaction, and it may be worthy of remark, that the improper conduct of that person within the British Territory, had some short time back, obliged the commanding officer at this place to make a complaint of him to Colonel Butler, the then Commanding officer at Detroit. It was about this period, the confiance having joined me in the mean time, that I received an imperfect account of the affair (Captain Owing being very ill) and sent the letter number 1. to the commanding officer at Detroit. On receiving next day the answer N° 2. I lost no time in examining the Man alluded to, as to the circumstances under which he had been sent on board. He stated (and his former character makes his story probable) that being intoxicated he had gone to sleep in the Boat a long side, and knew nothing of her being taken away until next morning, that he was landed by the Deserters, and when overtaken by his Officers, was going a long the beach towards the Confiance; he farther positively assured me, that he had neither sought, or claimed protection from any individual of the United States, officer or other, and that no force had been used to make him embark, in doing which he readily obeyed the order of his officers

As the claim of the Governor of the restitution of this man, and his refusal to liberate Lieutenant Videl, rested upon the impression that the former was forcibly seized, and (according to the expression of his letter) transported; I lost no time in explaining to him by my letter number 3. the particulars of the statement which the man had made; this, together with a declaration on my part, that there was no wish to infringe the territorial rights of the United States, and my readiness to notice any act of indiscretion in others, I had no doubt would satisfy the Governor, and at once and an affair, which if perused. (pursued) could not fail to renew those irritable feelings, which it is desirable we should forget. I am sorry that the answer of the Governor N° 4. (notwithstanding his own personal feelings which led him to tell the officer who bore the letter, that he would release Lieutenant Videl) did not meet the conciliatory disposition I held out to him, but made a proposition which it was impossible to give attention to for an instant. It would be extraordinary indeed, were I to expose the loyalty of any subject of His Majesty to be assailed by all the arts which interest or prejudice could possibly invent, and which (however ignorant the Governor may be respecting them) are in hourly practice, even the Boats crew landing the officer with these very letters to the Governor, was thus assailed, and urged to follow those who had already been inveigled. To this proposition, I therefore sent

the answer N° 5, closing my communication with the Govenor, and as I am about to return to Kingston, I desired Lieutenant Videl to apply to Lieuten[t] Colonel James, Commanding officer at this place, for any immediate assistance that he may require in the proceedings which shall follow. This evening, I received a letter from him, saying that a Bill was filed "for forcibly seizing and transporting a person name unknown" and he was called upon for bail, measures are taken to obtain this for him, and give him the advice of Counsel."

Copy N°. 1.

[Omitted because original letter of Sept. 5th, from Sir Edward Owen, is printed above.]

Copy N° 2

From Governor Cass, to Commodore Sir Edward Owen dated

September 5. 1815

Sir,

Brigadier General Miller, commanding the Troops at this Post, has referred to me as Governor of this Territory, your letter of this date, requiring the release of Lieutenant Vidal.

I was upon the point of addressing you on the subject connected with his arress, when I received this letter; Lieutenant Vidal was apprehended, and brought to me for seizing by force, a person in this Territory, and conveying him ρn board an armed Vessel of H. B. M. In so doing, he has violated the laws of the Country, and has subjected himself to the penalty prescribed for such conduct.

Permit me to observe, that your demand of Lieutenant Vidal, without offering to retore the person seized and transported by him, was not to have been expected. There are no Treaty stipulations between the U. States and Great Britain, for the restoration of persons deserting for the service of one, and seeking refuge in the Territories of the other. Such an arrangement was proposed by our Commissioners at Ghent to the British Commissioners, but not acceded to by them. The subject therefore rests upon the general principles of national law, which law, I need not remind you, Sir, gives no right to a British officer, to enter the Territory of the U States, and forcibly transport thence, any person, whatever may be his discription, or of whatever crime he may be accused. Our laws like those of England, afford security to every person within the Territory upon which they operate, and this personal security, cannot be violated, without subjecting the offender, to the prescribed penalty. Lieutenant Vidal, has therefore committed an act, for which he is responsible to the civil authority.

But, Sir, the subject involvs considerations of greater interest than

those personally affecting the Officer. An armed force in the service of H. B. M^{y}, has seized a person within this Territory, and sent him on board a British public Vessel. It becomes therefore my duty, to request of you, his immediate restoration, and I do not suffer myself to doubt, but you will see the propriety of complying with this request.

The property which these persons are stated to have taken, belonging to the British Government, shall be restored, so far as it can be found and identified.

I have no hesitation in saying, that there is no wish on the part of the American Government, that persons in the land or Naval service of Great Britain, should desert and seek refuge in the U States. But until some mutual arrangement is made upon the subject, it is impossible, in a Government of laws, to diliver up persons of this description, or suffer it to be done by others.

Very respectfully Sir,
I have the honor to be etc etc etc.
(Signed) Lewis Cass.

To Commodore Owen etc.

Copy N°. 3.

Commodore Owen to Governor Cass, H. B. M. Schooner Huron
River Detroit Sep^{r}. 6. 1815.

[Omitted because the original appears above.]

Copy N°. 4.

Governor Cass to Commodore Owen, dated
Detroit Sep^{r}. 7. 1815.

[Omitted because the original appears above.]

COPY OF THOMAS RYMER'S DEPOSITION.

Western District.

Be it remembered that on the thirteenth day of September, in the fifth fifth year of the reign of our Sovereign Lord, George the third, personally came and appeared before me, Richard Patterson (Pattinson,) Esquire, one of the justices of our said Lord the King, assigned to keep the peace in the western District of the Province of Upper Canada, Thomas Rymer, a sailor surviving on board His Majesty's Schooner the Confiance, and voluntarily deposeth and making oath, that being on shore from the said Schooner and landed in the Michigan Territory of the United States of

America, about the fifth instant, and then and there being, he did not seek, or claim any protection from the said United States, or any person therein. And that when spoken to by the officers, he readily obeyed their orders to go on board, and sat down by the water side, until the Boat came to him. And this Deponent further saith, that no force was used to make him enter the Boat, which he did so soon, as she had reached the shore, and returned in her on board the Schooner he belonged to. And that no threats or promises have been used, or made, to induce him to make this Deposition.

his
(signed) Thomas X Rymer
mark

Sworn before me at
Sandwich in the said
District, the tenth day
of September 1815
(Signed) R Patterson (Pattinson.)
J. P. W. D.
A true copy of the original
(Signed) Anthony S^{t} Jn^{o}. Baker

AFFIDAVIT OF VIDAL AND JAMES ABBOTT TO KEEP THE PEACE.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

Territory of Michigan } To
District of Detroit } Wit

Be it Remembered that on the Eleventh day of September in the year of our Lord one thousand eight hundred and fifteen and of the Independence of the United States of America the fortieth Year Leut Alexander T E Vidal in the Naval Service of His Britannic Majesty and James Abbott of the District of Detroit aforesaid, Esquire, came before me George M^{c}Dougal one of the Justices assigned to keep the peace within the said District of Detroit and acknowledged themselves to owe to the United States of America (To wit) the Said Lt Alexander T E Vidal the Sum of three thousand Dollars and the Said James Abbott Esquire the Sum of three thousand dollars lawful Money of the United States to be respectively made and levied on their Several Goods and chattels, Lands and Tenements, to the use of the Said Territory of Michigan if he the

said Alexander T. E. Vidal Shall fail in preforming the Condition endorsed.

Acknowledged before Me

George M°Dougall
J. P. D. D. T. M

The Condition of this recognizance is such, that if the within bounden Alexander T E Vidal a Lieutenant in the Naval Service of His Britannic Majesty Shall personally appear at the Next Supreme Court to be holden in and for Said Territory of Michigan in the City of Detroit, on the third Monday in September present to de [sic] and recive what shall then and there be enjoined him by the Court, And that he Shall not depart without leave of the Said Court and in the mean time to keep the peace towards the Citizens and Inhabitants of Said Territory then the Said recognizance Shall be Void or else to be and remain in full force

Subscribed and Acknowledged before me the day and Year first above written
George M°Dougall
J. P. D. D. T. M

Alex. T. E. Vidal
Leut B Navy

James Abbott

CERTIFICATE OF A. E. WING TO GOV. CASS, THAT CERTAIN BRITISH GOODS WERE DELIVERED TO VIDAL.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Detroit September 16, 1815.

To Gov. Cass

This may certify that two piece[s] of grey cloth two pieces of purple Ditto one British flag two muskets one pistol one case of papers one pararrallell ruler the whole of the British property which came into the custody of the Custom house were delivered over to Leut Vidal agreable to Your Request

Yours Respectfully
Austin E Wing

His Excellency Lewis Cass

GOV. CASS TO JAMES MONROE, RESPECTING VIDAL.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Copy of a letter from Lewis Cass Governor of the Michigan Territory to the Secretary of State,

dated Detroit
October 21. 1815

Sir

I have the honor to transmit you the record of the conviction of Lieuten[t] Vidal, the British officer, who was arrested for sending out of this Territory a British deserter.

I also forward another deposition, which, when taken in connection with those before sent, establish the principal fact beyond a doubt. It should be observed, that the reason, the defendant was acquitted upon one count in the Indictment, is to be found in the absence of the woman whose deposition was before transmitted, and of the present deponent. neither of whom, could be procured at the trial.

It was not thought proper to sommon any of the deserters as witnesses.

Very respectfully,
I have the honor to be etc.
(Signed) Lew[s] Cass.

Honble James Monroe)
Secretary of State)

LEWIS CASS TO JAMES MONROE.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

Detroit February 2. 1816

Sir,

I have the honour to acknowledge the receipt of your letter of December 22d transmitting the Presidents Pardon for Leut Vidall of the British Navy, recently convicted of a riot in the Supreme Court* of this Territory. The fine imposed by the court has been paid to the Sheriff of the County and by him to the Territorial Treasury. Leut Vidall never was in close custody. As the possibility of this state of the transaction was

*The Supreme Court records show this trial.—C. M. B.

foreseen and provided for in your instructions, I have the honour in conformity therewith to return the pardon.

Very Respectfully Sir
I have the honour to
be
Yo Mo Obe Servt
Lew Cass.

Hon James Monroe
Secretary of State

THOMAS ROWLAND TO JAMES MADISON.

[Letters and Papers from the Territory of Michigan, 1805-1815.]

Detroit, September
16th. 1815

Sir,

I have the honour to acknowledge the receipt of the appointment, of Marshal, of the United States in and for the Territory of Michigan, which is thankfully accepted.

I have the honour to
be sir with high
respect
Your Obt. Svt.
Thomas Rowland

The Hon
James Monroe
Secretary of State
[Endorsed.]

(Addressed.) The Hon James Monroe
Secretary of State
Washington City

GOV. CASS TO HON. GEORGE GRAHAM, ENCLOSING A LETTER CONCERNING OUTRAGES COMMITTED AT THE HEAD OF THE MISSISSIPPI.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Detroit Octr. 30. 1817.

Sir,

I have the honour to transmit you the copy of a letter addressed to

Major Puthuff Agent of Indian affairs at Michillimackinac.

It discloses a state of things upon the heads of the Mississippi, which demands the interposing arm of the Government to change.

Very Respectfully Sir
I have the honor to be
Yo. obt. Servt.
Lew Cass.

Hon. George Graham)
Acting Sect^{y}. of War)

ENCLOSURE IN LETTER OF GOV. CASS TO HON. GEORGE GRAHAM, OCTOBER 30, 1817.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Michillimackinac
19 July 1817.

Major W. H. Puthuff.

Sir,

To you who are so well acquainted with the itinerant habits of an Indian trader, no apology will I presume be necessary for my not laying before you ere this a brief detail of the outrages committed in the Department of Fond du lac last fall and winter, by people the known Agents of the Earl of Selkirk and acting under his immediate authority and you may rest assured that nothing but the immense distance betwen Michillimackinac and the scene of their enormities prevented an Earlier communication, It is true I might while at S^{t}. Mary's last autumn, to which place I was transported through the extreme kindness of his Lordship, have stated my own sufferings, but at that time considering their enmity purely personal, I declined troubling you with the grievances of a person unknown to you, nor had I the most distant idea till I reached Sandy Lake of the extensive conspiracy supported by Lord Selkirk* to set at defiance the authority of the United States in a Country within their acknowedged limits. Having been regularly licensed by you and appointed by the South west company to trade at Sandy Lake, I repaired thither early in the fall, and to my surprise Catawabitez who soon arrived at Fond du lac from S^{t} Mary's informed us, That the Earls people

*[Lord Selkirk was afterward arrested at Detroit, but was released by Judge Woodward whose opinion in the case is printed in Vol. VIII, this series; see page 483 and following.]—H. S. B.

were to seize our goods take our posts and dispossess us of the Trade considering such a step as barely possible to be authorized by a person of sound mind it obtained with me no more than the credit we usually attached to Indians report, nor did I feel in any degree unsafe until I learned that his information was derived from M^{r}. Charles Ermintinger, who I understood was Agent to the Hudsons Bay Company but of the particular itimacy subsisting between this Gentleman and Lord Selkirk. I never could be certain till I returned to S^{t}. Mary's this summer where he furnished proof himself, by acknowledged that he copied and the instructions of the Earl to his imissaries just previous to their setting out for Fond du Lac.

Catawabitez's information proved unfornately correct for on the 9th.. September Seven Canoes nammed each with Six or Seven men, under the command of P. Christoph Pombrun, Michael M^{c}Donnell and Jeremiah Mertelle arrived at my wintering ground—Immediately on landing the three head men escorted by a Serjeant and five privates of the late Demeurons Regiment came to my house and without ceremony arrested me in the Kings name, shewing me as their authority for so doing a warrant issued by the Earl of Selkirk in his capacity of Justice of the Peace. No time was lost by me in informing Pombrun that Trading as I was within the United States I must consider the writ as illegal, seeing that it is was granted in a British Province, but my objections were of little avail, for these all powerful leaders gravely assured me his Lordship had plenary powers to act as he might think proper in any part of the American Territories. The Soldiers were now ordered to take charge of the house and stores, which they immediately did and were assisted by almost every Canadian belonging to the party, searched every nook and corner of the Establishment in such a manner as to impress me with the belief, that mine was not the first building they had forcibly entered, Pombrun meanwhile informed me that his orders were to seize my papers arms and ammunition and when requested to exhibit his powers for this additional outrage, he cooly replied his Lordship had directed him to act as he had seen done at Fort William and without further hesitation possessed himself of the Keys, opened the Store and Superintended the transporting to his Camp of all the gunpowder Balls and Shot amounting to ten Packages as also every gun old and new they could lay there hands upon. I was now ordered to have my Tent pitched in their camp where they had displayed the British Flag was as Catawabitez predicted dispossed of my Post, for Pombrun Kept the Keys and placed two cen-

tinals to prevent our men from trading. Six our people who had been captured by a Detachment of this party at some distance from me arrived in time to witness some of these proceedings, they were treated much in the same manner as myself with the exception that in this case no portion of the property in their charge was respected and letters in their possession were opened by Pombrun and destroyed M^r^. Grant was pursued by another detachment in a light canoe and was brought back a prisoner from Lake la Crosse which place he had just reached on his way to such Lake, where you will recollect he was licensed to pass the winter, we were now given in charge to the Demeuron Serjeant and five privates who were ordered to conduct us to Fort William and were on our arrival interogated Seperately by his Lordship. Objecting from the very beginning of these nefarious doings to the legality of the writ and the forcible seizures of my person in a country foreign to the one issuing the warrant, I did not fail to repeat my sentiments thereon, when examined by his Lordship, but the only reply I could obtain was that until the Commissioners of the two Governments decided on the boundaries, no part of the Fond du lac country could be claimed by the Americans, without farther ado we were ordered to Montreal, in a canoe the property of the North West company and navigated by men in the Employ of that concern.

On the 24^th^ October at S^t^. Mary's I took the liberty of returning to this side of the Strait, his Lordships orders contrary notwithstanding and accompanied by M^r^. Roussain who had been sent to Lower Canada by a process similar to that served on myself, proceeded towards Fond du lac when we arrived December 6^th^ here we found 14 Packages of Goods belonging to the Red River Settlement which I detained some Months until Duncan Graham backed by 22 men made a formal demand of they property stating on his honor that his Lordship had obtained Licenses at Michillimackinac to send into the country at Fond du lac, the outfit was arranged at S^t^ Mary's during his residence there last summer and it was at that time and place he received the orders in pursuance of which he ascended the Mississippi to the crow wing river and met Michel M^c^Donell from whom he actually received his outfit for Red River all of which was corroborated by M^c^. Donell himself. Twelve laden canoes were sent into Fond du lac by his Lordship in the course of the fall. Ten of which were equipped at Point au pins three leagues above S^t^ Mary's on the British side, whence they crossed over to the South shore of Lake Superior continuing their route through the American Territory to the place of destination.

Spirituous Liquors were carried in and sold by these people in quantities sufficient to keep the Indians in a state of Intoxication all winter, The goods I had detained furnished the favourite Catawabitez with presents in abundance and the residue were traded for Furs at my own door, An Outfit to Red Lake was entirely annihilated and to conclude, I may without fear of contradiction affirm that every thing which malice could devise or ingenuity invent was put in practise by the servants of the Earl of Selkirk to harass annoy and drive from the country every person in the employ of the South west company—for the *hinious Sin* of complying like good men with the ordinances of a Government whose laws they had imprudence to state would ere long afford them ample protection—Should you wish my Oath to the truth of what I have stated above, you may embody the substance in an affidavit form and I will sign the paper whenever you think proper.

I am, Sir,
with much respect
yo. mo. obt. Servt.
(Signed) W^m^ Morrison

(Copy)

Maj^r^. William Henry Puthuff.
Territory of Michigan } ss.
Borough of Michillimackinac

William Morrison personally appeared before me Samuel Abbott one of the Justices of the peace in and for the Borough of Michillimackinac and upon his oath did say that the foregoing statement addressed to Maj^r^. W^m^. H^y^. Puthuff, is to the best of his knowledge substantially true and correct, and further the deponent sayeth not.

(Sig^d^) W^m^ Morrison

Sworn to and subscribed before me
at my Office this 23^d^ day of July
A. D. 1817 (Sig^d^) Samuel Abbott
J. P. B. M

WILLIAM WOODBRIDGE TO J. Q. ADAMS, ASKING FOR THE LEGISLATIVE ACTS OF THE STATES.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Michigan Territory Detroit
Jan^{y} 15—1818.

To the Honourable
John Q. Adams Esquire
Sec^{y} of State

Sir

I have the honour herewith to transmit copies of the Executive and Legislative Records of this Government. It has been impossible for me at an earlier period to transmit them, as the materials of which they are composed, have not all been furnished to me until within a few days and to have forwarded copies of such original papers or records as were in my office, at any time previously, as they would not have exhibited an intire view of the acts of the Gov^{t} for any one period, I considered would have been useless as they could not have been in conformity with the spirit of the Ordinance of 1787. in relation to the north western Territory.

The concerns of the Government were indeed left at the conclusion of the war in so much confusion from the loss or destruction by the enemy of all its records Books original papers etc that it has been difficult at an earlier period to arrange them.

Permit me to suggest to you Sir, how very desirable it would be if the office of the Secretary of this Territory could be furnished by the General Government with entire sets of the the Legislative Acts of the original States—The want of them is severely left, (felt) as in the first Grade of Territorial Government its Legislative authority are restrained in their power to the *adoption* only of laws from the Original States without permission to originate or make them. There is not in the office the code of any one State. Permit me also to request that there may be forwarded to this office like wise a set of the Laws of the United States—There does not belong to the office any set of these laws—And as many duties I evolve upon the Secretary of this Territory in virtue of Acts of Congress it is highly important for him individually, that he should be possessed of them but more so to the publick perhaps that at his office, which must

necessarily be a place of general resort, that acts of Congress should be found.— I have the honour to be

Sir

with very great respect

your obed^{t} servt

William Woodbridge

Secretary of Michigan

WILLIAM WOODBRIDGE TO J. Q. ADAMS, RESPECTING THE EXPIRATION OF HIS TERM OF OFFICE.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Michigan Territory Detroit

Secretary's Office

Sir July 1. 1818.

I have the honour, herewith to transmit authenticated copies of the Legislative and Executive proceedings of this Government for the last six months—

I have also the honour to suggest that the term of my appointment as Secretary of this Government, will have expired by elapse of time on the fifth of October next.

With very great respect

I am Sir

Y Obed Servt.

To the Honourable W^{m} Woodbridge

John Q. Adams Esq

Sec^{y} of State

Endorsed.

To the Honourable

John Quincy Adams Esq

Secretary of State

Washington

LETTER FROM WOODWARD, ACKNOWLEDGING THE RECEIPT OF A PACKAGE OF LAWS.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

City of Detroit, August

22nd, 1818.

Mr. Woodward has the honor to present his respects to the Secretary of State; and to acknowledge the reception, by the last mail, of a package of the Laws of the United States, under his frank.—

WOODWARD TO J. Q. ADAMS, CONCERNING THE SUIT OF LORD SELKIRK AND A PROJECT OF ACQUIRING MORE TERRITORY FOR THE UNITED STATES.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

City of Detroit, Saturday, December 5th 1818.

Sir,

At the late term of the Supreme Court of the Territory of Michigan a suit was pending against Lord Selkirk, brought by a North West trader; and which went off in his lordship's favor, on the ground of the arrest having taken place on Sunday. It would have involved the question of jurisdiction. The location of the alleged trespass may, without essential error, be conceived to be a little north of the spot described, in the pamphlet which I have the honor to enclose, at page twenty-six. A copy of the decision rendered, and of all the documents connected with it, *in extenso,* has been transmitted to Boston, for publication.

The date of the transaction is September the 14th 1816. Mr. Grant, the plaintiff, was seized by armed men, under the direction of Lord Selkirk, and carried within the British limits. The whole of his outfit was taken from him. When brought before Lord Selkirk the latter observed *that the commissioners, who, on the part of the king, negociated the treaty by which the boundary was established, were fools.* Mr. Grant was, by his order, taken a prisoner to Montreal.

I have thought it proper to communicate a brief notice of the facts to the department of State.

It may be regarded as an interesting portion of the existing concerns of the government of the United States, what the *eventual* and *permanent* arrangement with Great Britain is to be, in relation to the north of this continent.

I have had some conversations with the two former Presidents of the United States, and with the present President, when Secretary of State, on this subject.

I entertain the idea that it is the duty of the American administration to make a serious effort to obtain the whole of the British possessions on this continent, by negociation.*

*This is a startling statement—that the United States take all of the British possessions in America.—C. M. B.

Ordinary inducements would be inadequate, and some views were submitted to the present President, during the late war, which he may recollect; and which without compromitting the essential interest, or the honor, of the United States, would be powerful allurements to the opposite party; but the details would be too voluminous to exhibit otherwise than by conversation, and I shall, therefore, not attempt, now, to enter into them.

I would beg, however, that the mind of the President might be rewakened on this subject; and that I may be permitted again to tender my personal services, in a secret mission, for this purpose.

I do not entertain a belief that the first effort would succeed; but I am inclined to think that, on the principle of a suspension of the execution of the stipulations for a limited number of years, with profound secrecy in the interval, and with a complete and liberal extinguishment of all private feelings and personal interests connected with the subject, a second exertion might be successful.

The obstacles will multiply with every successive day; and the Russian interests, at present inconsiderable, may, in no long time, assume a great consequence.

The present era is, certainly, not unfavorable for a complete absorption of all foreign claims on our continent.

Accept, Sir, my respect and
ardent esteem.

A. B. Woodward.

The Hon.
J. Q. Adams.
Secretary of State.

If the department is already possessed of the enclosed NOTICES OF THE HUDSON'S BAY CLAIMS, I would beg a return of the pamphlet. If not, I beg its acceptance of this copy. It is written by M^r. Gale, counsellor at law, who travels with his lordship. I have marked the pages from 21 to 31, and certain passages in them, to facilitate a reference to them; and have done the same at pages 160 and 161.

ENCLOSURE IN LETTER OF WOODWARD TO ADAMS, DECEMBER 5, 1818.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Territory of Michigan to wit:

I Daniel McKenzie* do solemnly swear upon the Holy Evangelist of Almighty God, that, on or about the fourteenth day of September A. D. 1806, Mr. James Grant, an Indian Trader, then being on or near the head waters of the Missisippi in the District or Country called the department of the fond du lac, having in his possession a large quantity of goods, wares and merchandise of great value, to wit, of the value of about ten thousand dollars, was, as this affiant has been informed, and verily believes, forcibly arrested by a party of armed men, sent by Thomas Earl of Selkirk (so called) for that purpose, and under colour of a process from said Thomas Earl of Selkirk, was illegally confined, and forcibly and illegally, and against his will, taken by said armed men acting under, and as agents of said Thomas Earl of Selkirk, and under pretence and colour of said process was dragged a very great distance, within the reputed and acknowledged limits of the Jurisdiction of the United States, and thence with the like force and violence taken out of the limits of the said United States, into the possessions of his Majesty the King of Great Britain:

And further that the whole of said large and valuable quantity of goods, wares and merchandise, was likewise taken from said James Grant, and either taken to the said Thomas Earl of Selkirk, or otherwise disposed of forcibly and illegally and against the will of the said James Grant:

And this affiant further maketh oath that afterwards when the said James Grant was forcibly brought before and into the presence of the said Thomas, he the said James, in the hearing of this affiant claimed his privilege and his rights, as having been at that time entitled to the Protection of the Government of the United States, and then and there insisted that he was specially authorised by the Laws of the said United States, and in virtue of a License to that end by him previously obtained from the constituted authorityes of the United States to trade and carry on commerce with the Indians within the limits of said United States;

*Vol. VII of this series, in a sketch of Simon Girty, relates that his son Prideaux married a sister of Dr. Alexander, Daniel and John Mackenzie of Mersen, and of Mrs. Joseph Malott, mother of Wm. Malott, of Kingsville.

whereupon the said Thomas, Earl of Selkirk without in any wise denying that the said James Grant had been arrested by his direction, and his said Goods also taken by his orders, as aforesaid, and on the waters of the Missisippi as aforesaid in the said Fond du Lac department made answer that the Commissioners on the part of his Majesty, the King of Great Britain, negociated the Treaty or Treaties by which the boundary of the said United States was established, "were fools," and that he did afterwards require and command, the said James Grant to be taken a prisoner to Montreal in the province of Lower Canada, to the great injury of his health, in violation of his rights as a freeman and to the incalculable injury of his business:

And this affiant further maketh oath that he verily believes the damages sustained by said forcible and violent taking and carrying away of said James, out of the said United States, and the consequent destruction of his property, and derangement of his business, could not have been less than twenty five thousand dollars.

(Signed) . . . . . Daniel McKenzie

Sworn and subscribed before me
the undersigned, one of the Justices of in and for the Territory of Michigan this third day of September, 1818.

(Signed) Geo. McDougall Justice of the Peace D. D. T. M.

Territory of Michigan to wit:

I certify the foregoing to be a true copy from the Original filed in my office; In testimony whereof I have hereto set my hand and affixed the Seal of the Supreme Court of the said Territory, at Detroit, the fifth day of December—one thousand Eight hundred Eighteen.

Peter Audrain
clk. Supreme Court territory
of Michigan.

GOV. CASS TO J. Q. ADAMS, ACKNOWLEDGING THE RECEIPT OF WAIT'S EDITION OF STATE PAPERS.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Detroit Jan^{y} 2. 1819.

Sir,

I have the honour to acknowledge the receipt of three sets of Wait's

edition of state papers, transmitted by virtue of a resolution of Congress for the use of the Legislature and Executive of this Territory.

Very Respectfully Sir
I have the honour to be
Yr. obt. Servt.
Lew Cass.

Hon. J. Q Adams
Secy of State

REQUISITION OF MR. WOODBRIDGE.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

M Woodbridge presents his repsects to Mr Brent and takes the liberty to say that the objects alluded to, in the letter which accompanies this note are

1. To obtain Seals for the County and Probate Courts in each respective County of Michigan— Viz; Wayne— Munrue Macomb — Michillimackinac— Crawford and Brown

2. To procure for the office of the Secretary of Michigan an intire set of the Laws of the U. States—of the Journals and State Papers— and also, as being one of the Executive of the Territory of Michigan, a Set of Seyvests statistics for the same office. During the war, and while the public enemy was in possession of Michigan all the Laws (of which there was a complete set' Journals etc etc were destroyed or taken by them— As an Office of public resort, it is considered to be necessary, as well as perfectly accordant with the general policy of the Government, that such public documents should be deposited there

3— To procure one set of the Laws of the U. S. for each County Court of the Territory of which there are Six

In relation to those objects it is observable that the Act of Congress of 1792 expressly provides for the transmission to the N Western Territory of a number of sets of the Laws etc— The Territory of Michigan is all that remains of that Old Territory—and the Law of 1792—has been considered as extended to the Territory of Michigan in virtue of different and successive Acts of Congress—of which that Authorizing the formation of the present Govt of Ohio, is one.

The Territory have no means of purchasing these books— They have, it is believed, ever been furnished to all other Territories, by the Genr Government— And it is too manifestly unjust that the people of that

Territory should be bound by Laws which they have not at present, means of access to.

If Mr Brent will have the Goodness to aid in the attainment of these objects he will greatly subserve the purposes of Justice and confer also upon Mr W—— a personal obligation

Washington
March 29
1819

Endorsed.
Mr Brent

A. B. WOODWARD TO THE SECRETARY OF STATE, ACKNOWLEDGING THE RECEIPT OF THE LAWS OF THE UNITED STATES.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Detroit May 29th: 1819.

Mr. Woodward has the honor to acknowledge the reception of a packet of the Laws of the United States, from the Hon. the Secretary of State.

GRIFFIN TO J. Q. ADAMS, ASKING FOR THE LAWS OF THE UNITED STATES.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Detroit May 29th. 1819.

Sir,

Having never received the fifth volume of the Laws of the United States, and having occasion frequently to act under them, will you permit me to request the favor of you ordering that volume to be sent to this place.

With sentiments of the highest respect
I beg to be considered
as your most obedient and devoted servant
John Griffin

- - - - - -

The Hon John Q. Adams
City of Washington.—
Endorsed.
The
Hon John Q. Adams
City of Washington.—

SIBLEY TO J. Q. ADAMS, RESPECTING THE PRINTING OF THE LAWS OF THE TERRITORY.

[Envelopes of Letters of the Governors of Michigan Territory, 1807-1820.]

Detroit Decr. 10. 1819

The Hon[l].
John Quincy Adams
Sec[ty] of State.—

Sir—

In compliance with your request, of the 4 Nov[r]. last I forward inclosed, such of the Laws of the Territory of Michigan as have ever been printed in form of Pamphlets, under the authority of this Territory—

The Govenment of the Territory, are pushing measures for printing a revised code of the laws, which will embrace all the Laws now in force within the same— As soon as the work is completed I will transmit one of the volumes to the Sec[y]. of State—

I have the Honor to be
Sir
Your most Ob[t]. Serv[t]
Sol: Sibley

OATH OF ABIJAH HULL AS DEPUTY SURVEYOR.

I Abijah Hull do solemnly swear in the presence of Almighty God, that I will execute the duties of Deputy Surveyor faithfully and impartially, agreeable to law, and such instructions as I may receive from the Surveyor General according to the best of my abilities.

So help me God

Abijah Hull

Sworn and Subscribed before me one of the Justices of the Peace for the District of Detroit, this twenty Second Day of Jany A D 1807—

James Abbott
W D D

INSTRUCTIONS TO ABIJAH HULL DEPUTY SURVEYOR FOR RUNNING THE BOUNDARY LINE OF THE MICHIGAN PURCHASE .....

From documents in State Land Office, Lansing, Mich.

1st As I have received no official account of the treaty made by Gov. Hull, my ideas of the limits of the Michigan Purchase must be derived

solely from what I have seen published in Newspapers. By these however you will not be any further regulated, than they may be found to accord with the treaty actually concluded by Gov. Hull himself to whom I must refer you for any knowledge and instruction relative to s[d] treaty which you may find necessary.

2d. It will be unnecessary to explore & much more so to survey the Water Courses, which are the boundaries of the afores[d] Purchase. The point of your Beginning, will therefore be that which is opposite to the middle of the mouth of the River Au Glaise from thence a due North & South Line till it intersects a parallel of Latitude to be drawn from the out-let of Lake Huron which forms the River Sinclair. In running this boundary, which undoubtedly was intended to be a true, not Magnetic Meridian, your course by the compass must be such as to keep you constantly in the true Meridian by making the necessary allowance for the variation, or difference between the magnetic & true North Point. The variation at the point of departure viz at Fort Defiance was observed by one of the deputies of this Department, Mr. David Lamfere, to be 4° 30′ E. Perhaps you may be able to ascertain it more acurately, but if this could not be easily done I should have no objections, to your commencing with the afores[d] variation viz 4° 30′ E, but could wish, that new trials of its quantity be made as you advance, any considerable distance Northerly especially on the Waters of Huron.

When you are sure of having made the due allowance for the variation of the compass, so that your course be on the true meridian, you may proceed to the Survey & measurement of this Boundary, observing to blaze it on each side, & to mark the right trees as directed in the general instructions herewith transmitted; also you will be careful to set up post, & take Bearing trees for them, at the distance of every mile & half mile from the place of beginning, on the bearing trees or some tree very near the mile post, you will mark with a marking iron the number of miles, on the boundary estimated from the place of beginning; all which must be carefully noted in your Field Books, together with the nature of the Couty (country) the quality of the Soil, the streams & waters you may pass & every other particular as directed by the General Instructions. You will continue this boundary as far or farther North thereby estimation will be necessary for it to be intersected by a parallel of Latitude to be run from the outlet of Lake Huron which forms the River Sinclair

3d In order to ascertain the afores[d] of intersection of the Meridian & Parallel, it will be necessary for you to repair to the outlet of Huron which forms the River Sinclair, & there fix the point which is in con-

formity with the treaty; From this point you will commence a course due West, observing to put up mile & half mile posts as in running the boundary Line, & to number them from the point of beginning. It will be of some importance too, that this line, though not a boundary be blazed, as it may be of use in regulating our (subdivisionary) surveys, as its true measurement and the erection of mile posts most certainly will be of much consequence. This line must be continued till it intersects the afores[d] Meridian.

4th The other Inland boundary, as described by the treaty, is that which may be found to be in a direct line from the intersection of the afores[d] Meridian & Parallel, to White Rock on Lake Huron.

In order to obtain the direct course from the afores[d] point of intersection to White Rock, it will be necessary first to run from it a Random line for White Rock, or to run a straight Course in such a direction, as from estimation by any means in your power you may suppose, the S[d] Rock bears from you. It is not probable from the present State of the geography of the country, that you can come very near the object; but where ever you may fall on the Lake, the direct course & distance from that point to White Rock must be found if not by a single course, by a traverse From these data, you will be able to calculate the true course back from White Rock to the afores[d] point of intersection of the Meridian & Parallel. This second trial, unless great care be taken, to ascertain the true angle between the Random Line & the true boundary lying between White Rock & the point of intersection; will probably be somewhat erroneous but the boundary may be made to close exactly if in running the Random line, you take care to mark it in such a manner, as that when you are returning on the true line offsets may be made to it, as you advance to the closing point, but this exactness has not been hitherto required in running Indian Boundaries, as the boundaries must ere long be of no account. A reasonable degree of Correctness in this particular will be necessary so that the true points of White Rock & the afores[d] intersection be connected, by a continued line, not deviating more than 5° 1′ will be indespensable.

5th Whenever you shall have completed the surveys of the afores[d] Boundaries; The Field Notes thereof, accompanied by a plat & discription thereof must be returned to this office for which service you will be entitled to receive of the U. States $3 pr mile, for every mile run, marked & surveyed which is the highest price allowed by Law————

MILITARY OFFICERS AT DETROIT TO SECRETARY OF WAR.[1]

[Smithsonian—Schoolcraft MSS.—Letter File A, under J.]

Detroit 15.th January 1808

Sir,

We have this day received from His Excellency Governor Hull, a letter, of which the inclosed is an exact transc[r]ipt.[2] We are perfectly aware, Sir, of the impropriety of military officers interfering with the ordinary political dissentions intrigues, and party disputes of the citizens of any place where they may be stationed, and that they have only to obey the orders of the President of the United States, and of the officers appointed over them: but his Excellency having thought proper to call upon us, to give our support to the constituted authorities of our country, in the only way which appears to be in our power at present; without presuming to engage ourselves in the private or personal interests of his Excellency, or to decide on his legislative or executive conduct in any manner whatever, we have thought it our duty to state to you, Sir, as the chief of the Department, to which we have the honor to belong, for the information of the Department of state, if you, Sir, should deem it proper, that from such information as we have acquired by a residence of some considerable time in this Territory, we believe that there has, and does still exist a faction here composed of, perhaps, some of the subordinate officers of this Gover[n]ment, associated with some foreign subjects, men devoid of principle, and moral rectitude, who have, and do still labour with the most indefatigable industry, from the most base and sinister motives, and by the most illicit and disgraceful means, to subvert all good order and disscipline [sic], both civil and military in this Territory, and to excite commotions and ferments among the inhabitants, to the danger and injury of the United States, and the more especially, in the present crisis of affairs.—They have, by false and malicious representations to the uninformed canadians, who are, almost, intirely ignorant of our lan-

[1] A. D. S. Considerable strife existed between the officers of the Civil government during Hull's administration. Secretary Stanley Griswold, 1805 to 1808, sought the overthrow of the governor with a desire to succeed him, while the governor sought, successfully, to prevent Griswold from being reappointed. Judge Woodward supported the governor in this contest and experienced the resentment of the secretary. Ex-Judge Frederick Bates writes from St. Louis to Woodward, Feb. 23, 1808. "It has given me much pain to see in public prints the absurd accusation made by the malcontents of Michigan against Governor Hull and yourself." Woodward's letters to Bates give a lively account of the dispute. *Mich. Pion. & Hist. Coll.* VIII, 561; XII, 506, 509, 510. For a later period of strife in which Judge Woodward set himself against the governor, see below. Papers relative to the controversy between Gov. Hull and Judge Woodward. (J. Sharpless Fox, Editor.)

[2] Missing. (J. S. F.)

guage and laws, brought the publick functi[onaries], and law[s] [into disrepute?][3], and by false and scurrilous publications in the news-papers, and petitions, to which the signatures of vagrants, and transient persons of every nation and description, who have no interest in, or attachment to the United States, have been improperly obtained, as well as the names of the French inhabitants, by misrepresentations, they have endeavored to destroy the confidence of the general gover[n]ment in that of this Territory. From the commotion and dissatisfaction we have observed to exist among the inhabitants, for some short time past, to an alarming degree, and the application of his Excellency the Governor, we have taken the liberty to make this concise and general statement. We hope, Sir, that we have not aberrated from the line of our duty in so doing, and have the honor to be, respectfully,

Sir,

Your obedient
humble servants
(Signed) Saml T. Dyson[4] Capt[n]. Comd[t].
H. B. Brevoort L[t].[5]
D. Baker L[t].[6]
P. Hank L[t].[7]*
J. Eastman L[t].
W. C. Smith Quat[r] — [?]

The Hon.[ble]
Henry Dearborn
Sec[ry] of War

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[3]Paper burned, words supplied. (J. S. F.)

[4]A. L. S. Entered service 1 Lieut. Artillerists and Engineers 19 Dec. 1796; Arts. 1 Apr. 1802; Captain 15 Sept. 1804; 1 Art. 12 Mar. 1812; transferred to Corps Art. 12 May 1814. Captain Dyson remained at Detroit until after Hull's surrender, taking part in the battle of Monguagon. He commanded the fort at Alexandria, guarding the approaches to Washington in 1814 but abandoned it at the approach of the British Aug. 27, 1814. For this he was court martialed and dismissed. *A. S. P. Milit. Affs.* I., 588-591. (J. S. F.)

[5]Henry B. Brevoort of New York, 2 Lieut. 3rd Inf. 16 Feb. 1801; retained as Ensign 2 Inf., 7 Aug. 1802; 2 Lieut. 1 July, 1802; 1 Lieut. 30 Nov. 1805; Captain 1 May, 1811; Major 45 Inf. 15 Apr., 1814; honorably discharged June 15, 1815. Commanded the marines on board the Niagara under Commodore Perry in the battle of Lake Erie. Resided at Detroit till 1821 when he became Indian agent at Green Bay, succeeding John Biddle. (J. S. F.)

[6]Daniel Baker entered the army as Ensign 16 Inf. in 1799 becoming 1 Lieut. 11 Aug. 1806; Capt. 12 Mar. 1812; Maj. 45 Inf. 15 Apr. 1814; retained 17 May 1815 as Capt. 8 Inf. with brevet rank of major; transferred to 3 Inf. 2 Dec. 1815; Maj. 7 Inf. 1 June 1819; transferred to 3 Inf. 1 June, 1821; Lt. Col. 6 Inf. 1 May, 1829; He was brevetted major for distinguished service in the battle of Brownstown. Died in Detroit Oct. 30, 1836. (J. S. F.)

[7]Porter Hanks of Mass. entered army as 2 Lieut. Artillery 17 Jan. 1805; 1 Lieut. 31 Dec. 1806. He commanded the garrison at Mackinac and was forced to surrender the post July 17, 1812. Retiring to Detroit he was killed by a chance artillery shot Aug. 16, 1812. (J. S. F.) *A court martial was being held over his surrender of Mackinac at the time of the accident.—C. M. Burton.

WM. HULL TO THE CHIEFS OF THE CHIPPEWA NATION.

[Smithsonian—Schoolcraft Papers—Letter File A, under J.]

Detroit 11th. Octobr. 1808

To the Chiefs of the Chipawa[8]
Nation at Saguina—
My Children—

I send, by your Friend, the Blacksmith a flag, as a present from your great Father the P. of the U. S.—

You will erect it, at such place, as will be most agreeable to you—When you see it displayed, it will remind you of his friendship, and strengthen your attachment to the U. S.—

Your Father has now, at a great expense furnished you with two Blacksmiths to work for you—They are furnished with Iron, Steel, and other things necessary, to work for your convenience—Mr. Handerson [inquiry] is the principal—you must be kind to him and his family. If you should not, and should suffer any injury, to be done them, by any person, he will be removed from you, and no person sent in his place—

I am informed a white man has come to trade with you, with whisky etc. without my permission, and is endeavoring to purchase your lands, and injure you—I have ordered him to be removed—You must give no encouragement to him—Any good Traders, you want, shall be sent to you—None however must live with you, without my permission—I have sent Mr. Riley,[9] one of your Nation to trade with you—He speaks your language, and, I believe he will be usefull [sic] to you—

You must preserve peace and harmony in your Village—May the great Spirit protect you—

With fatherly concern for your
wellfare [sic], I am your friend etc.

[Indorsement]

[October 11, 1808] Wm. Hull

Copy of a speech to the Chiefs at Saguina, sending a flag etc.—
12th Octobr.
1808.

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[8]By the treaty of Detroit, Nov. 7, 1808, certain cessions were made by the Ottawa, Chippewa, Wyandot and Pottawatomie tribes, "in consideration of money and goods to be paid the said nations." Payments were to be made "in money, goods, implements of husbandry or domestic animals" at the option of the respective nations. To encourage the Indians in agriculture and industry the United States agreed to send a blacksmith to reside with the Chippewas at Saginaw. (J. S. F.)

[9]One of the Riley brothers, James, Peter and John, sons of Judge Riley of Schenectady, who had established a trading post at Saginaw, and married an Indian wife. The Rileys were ardent Americans and by their knowledge of the Indian languages and character rendered valuable service in the Indian department. See Witherell's *Reminiscences in Wis. Hist. Colls.* III., 323-325. (J. S. F.)

BILL RENDERED BY ADAM BROWN.

[Smithsonian—Schoolcraft Papers—1808—File Case A, under C.]

[Nov. 14, 1808]

1808. Dr. William Hull superintendnt. of Indn. Affairs to Adam Brown—[10]

To the use of two Houses, while you held the Treaty at Browns Town.[11]

To Keeping your Horses and your Attendants Horses,

To fire wood, during the time—

To the distruction [sic] of Pickets—

Detroit 14th Novr. 1808

Recd. the above sum of William Hull for which I have signed duplicate Receipts— — —

INVOICE, OF INDIAN GOODS, 1809, AND RECEIPT FOR SAME.

[Smithsonian—Schoolcraft Papers—1809—File Case A, under C.]

Invoice of Sundry Packages to be Delivered by George Ingels Esqr. to William Linnard Esqr Mily—Agent for Transportation to the Mily Agent at Albany and to be by him forwarded to Govr. Hull at Detroit Marked and Numbered as pr. margin.

U S = Arsenal 24th April 1809=

U S							
Kegs No 1-a 8	8	Qur Casks Powder . .	at $15	..			
G · Hull Detroit						120 " ..	
Boxes No. 9-a10	4	Cwt Bar Lead . . .	" 10	..		40 " ..	
Tierces. " 11-13	6	Setts cart Harness . .	8	..	$48 " "		
Bbl. " .14	12	Plough do	5=50		66 " .		
	12	Prs trace Chains . .	81 lb.	" .20	16.20		
	6	Back band . . .	20½	" .20	4.10	134	30=
	1	Smiths Vice . . .	33	⅛	2=9=6		
	1	Bick Iron	29½	⅛	2 . 9 - 1		
	3	Sledge Hammers .	.28	⅛	2 " 2 "		
	4	Smiths Tongs . . .	28	6	1.4. "		
	24	Large Hatchets . .	"	3/9	4.10=		
					12=14 " 7	33	94

[10]Came to Detroit about 1763, furnished supplies to the British in 1793 and 1794. For a long time resided at Brownstown, and later removed to Malden. *Mich. Pion. & Hist. Colls.* VIII., 366; XII. 90, 153. For location of Brownstown cf. *ibid.* VI., 465, 466. (J. S. F.)

[11]Nov. 25, 1808. *A. S. P. Ind. Affs.* I, 757. (J. S. F.)

	24 Axes . . . . . at 75		$18. " . "	
	12 = 8 Inch Hoes	4/8	7 - 46	
	12 . 10 " "	5/10	9 . 33	
	6 Setts Waggon Boxes . 103 lb	7	8 " 1	
	2 Doz Brush or Briar Hooks . $3		6 . "	48 80=
	Sundry Screws etc. for Plough Irons			
Box..15	1 Ea: Hand and 1 Pannel Saw	$1.75	$3 = 50 =	
	1 Compass Saw = 50 = 1 Key hole saw	.15	" . 65	
	1 Tenant . . 1, 75 . 1 Sash	1.50	3 - 25	
	1 Brace and 18 Bitts		7 - 50	
	1 Doz Nail Gimblets 50 = 3 Spike	33 .	" . 83 =	
	6 "Sprig Awls = 30 =2 Chalk Lines 18 = 1 Iron Square .	.50 =	" . 98	
	1 Rule . 56 = 1 pr Pincers 50 =2 pr Plyers	.62½	1 " 68½	
	2 Screw drivers . 60 = 2 Steel blade Squars	$2-13	2 = 73 =	
	1 Pr. Compasses and Saw Set 37½ = 1 Hatchet . . "	.55	" . 92½	
	1 Drawing Kinfe . . 37½ = 1 Adxe	60	" . 97½	
	2 Claw hammers . 94 = 1 Re-vitting do	31	1 - 25	
	1 Sett Bench Plaines	"	3 = 6 =	
	1 Dble Iron Foreplane 1-67 = 1 Smoothing do	$1	2 = 67 =	
	1 pr Flooring Groving Planes .	$1	4 . "	
	1 Sett Sash Planes	"	2 = 50	
	3 Bead Planes $2 = 2 Rabbitt	$1 = 35	3 = 35	39 = 85½
	(Carried Over)			416 = 89½
Brought over Box No 15	To Amount Brought Over = . .			416 = 89½
	1 Ovolo and 1 Ogie Plane . .		$1 - 20	
	6 Mortice Chissels . 1-12½ 6 Socket	1 = 87½	3 . " .	
	12 Paring. Chissels. 1.40 = 12 Scribing Gouges . . .	$1- 50 =	2 = 90	
	6 Fluting Gouges . . 90 = 2 Strong gouges	37½ =	1 = 27½	
	5 Screw Auguers = 1 = 78 = 1 Woodfile and Rasp . . .	60	2 " 38 -	
	Handling Chissels Gouges Augers etc.		7 = 56	
	1 Turkey stone	60	1 . "	
	1½ Doz Files for the Saws . .	" .	1 = 87½	
	1 flatt Files Ea = 7= 9 = and 12 Inch 1 = 33 = 2 = 33 = 4-40 = 8 = -		8 = -6 =	
	1 Doz Hand Ea. 6 = 7 9 = 133 - 1 = 75 = 2 = 90 = .		5 " 98	
	1 " fine Cutt. " 6 = 7 = 8 = 1 = 67 = 2 = 10 = 2 - 80 .		6 . 57 -	
	1 " Knife Edgd Ea. 5 - 6 = 7 = 1 = 78. 1 = 1. 32 .		3 " 10 =	
	1 " Round files . 5 and = 7 . " 78. 1 = 32 = 1. 32 .		2 " 10	
	1 " Smooth flat Files . . .		5 . " "	-52 . " . "

Box N° 16 =	1 Ream 4to Post Paper . . .		$4 . " . "	
	2 = Foolscap $5		10 . " . "	
	3 Papers Ink Powder . . .		" .. 37½	
	1 Doz P^s Tape		1 . = 75	
	5 lb Vermilion . . . . . at $2		10 ..	
	2 lbs. Refined Borax . . .	87½	1 = 75	
	16 lbs. Beads	62½	10 ..	
	500 Flints N° 48009	"	2- " 50	
	500 " 48005	"	3 . "	43 = 37½
	36 Jefferson Medals	"		
—17	1 Smiths Bellows		" "	28 "
Kegs 18 = 27 =	600 lbs. Tobacco . . . . . at	1/1	"	86 = 67 =
Box " 28	1 Box Medicine		"	39 = 91
" " 29	50 Gun Locks . . . . . at $3 - 25		$1.75 " "	
	50 Setts Rifle mounting wants Ramrd pipes $1		50 "."	125 " . "
1 Bundle and 7 Bars	403 lbs. Best German Steel at 24 Cts			96 . 72 -
2 " "	2 Doz American Scyths . . . $12			24 "
Bars				
G^n H Loose =	1 Smiths Anvil . 170 lbs . .	½		26 - 44 ·
do "	25 Bars Iron) Chair Tire) 4-2-24=			33 . " .
do "	8 Setts Plough Irons) Loyd) 243 lbs.			
	6 " (Gebler) 274			
	10 " " 421 938 lbs.			
	at 20^cts			187 - 60
	3 Long W. B^d Tierces and Cooperage	$1-80	$5 = 40	
	1 Barrel	"	1 - 25	
	4 Boxes 16 yd^s Wraping . . .	"	4 . 50	11 = 15
			Dollars . . "	1270 = 76

We the Subscribers, Chiefs and Head Men of the Different Nations of Indians do Acknowledge to have received of William Hull Superintendant of Indian Affairs all the Articles—contained in the Foregoing, Invoice as presents from the United States = Excepting the Blacksmiths and Gunsmiths Tools = Carpenters Tools Stationery — Medicine Iron and Steel for which we have Signed Duplicate Receipt^s at Michilimackinac = Signed in presence of = 29^th Septem^r 1809 =

Kimi = Ki = Chawgan =

Kitche = pas = Quegegan

Chas Jouett[12]*
Arch[d] Lyons
W Knaggs*

Siginac

The following signed at Detroit

Apeche= caur= boway
or Grand Bland

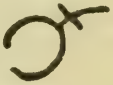
Maw= mauche= Cawtence

Skaw= O= Mut or Black
Chiefs.

Mieray or Walk in
the Water.[13]

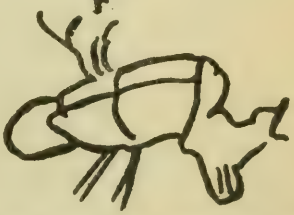
Ray= Y= Aron

Ane= me= quince =



Puck = e = Nence =

Que = baw que = gun=



[12]Name almost illegible. (J. S. F.) [12]*For portrait and sketch of life of Charles Jouett see Chicago's Antiquities, p. 102. Jouett lived in Detroit some time and married the daughter of Ann Dodemead. (C. M. B.)

*Whitmore Knaggs, Indian interpreter and trader. See Genealogy of the Knaggs Family. (C. M. B.)

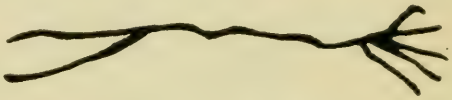
[13]The Wyandot chieftain after whom was named the first steamboat on Lake Erie, launched May 1, 1818 and lost in a storm in 1821. C. M. Burton, *La Salle and the Griffon*, p. 16. (J. S. F.)

Puck = qua = Cawbaway

Seken = ge = win

Mauy = to = quajick = or
Little Ceder. . .

So= wa =
quet =



Macconce or)
Little Bear)

[Indorsement]
Receipts for Articles, contained in the Account.—

PAPERS RELATING TO THE CONTROVERSY BETWEEN GOV. HULL AND JUDGE WOODWARD.

[Library of Congress—Schoolcraft Papers—1810.]

Detroit 18th. July 1810.

Joseph Watson Esqr.[14] Secretary
to the Governor and Judges of the
Territory of Michigan in their
Legislative capacity.

Sir,

You will please to notify the Judges of the Supreme Court that it appears necessary, that the Governor and Judges of the Territory should

[14]Also Register of Detroit. *Mich. Pion. & Hist. Colls.* I. 344b. (J. S. F.)

meet in their Legislative capacity, and that the Governor will attend in that character, at the Indian council house at Detroit on monday next the twenty third of July inst. at ten of the clock in the forenoon, and that their attendance is requested.

You will likewise give notice of the meeting to the Inhabitants of the Territory, that they may have an opportunity of making such applications to the board as may be necessary.

I am verry [sic] respectfully, your most
Obedt. Servt.
William Hull Governor of the
Territory of Michigan and Presidt
of the Legislative Board —.

PUBLIC NOTICE.

By directions received from the President of the Legislative board of Michigan, the subscriber has the honour to apprize the inhabitants of said Territory to the end that they may govern themselves accordingly, that His Excellency the Governor has thought fit to notify the Judges of the Supreme Court that a meeting of the Legislative authority is judged necessary on monday next at ten of the clock A. M.; and that in the intermediate time any applications or petitions which any person may have to make, can be delivered at his Office, and after the commencement of the session at the table of said board.

City of Detroit July the 19th. 1810.
Jos: Watson
Secretary to the Legislative board.

Territory of Michigan July 23. 1810.

Sir,

I have received, in the manner you directed,[15] a notification that you will attend at the council-chamber this day in a legislative character, and that the attendance of the judges is requested; and the information has also been communicated that you have directed public notice to be given of your intention, in order that the inhabitants may have an opportunity of making applications.

The ordinance of the Congress of the United States of the 13th. day of July 1787,[16] and which by the act of the 11th. day of January 1805 is

[15] For an earlier and quite different form of notification to the Judges, Jan. 20, 1807, see *ibid.* VIII., 605. Woodward's objections on this point follow below. (J. S. F.)

[16] Commonly known as the Northwest Ordinance, the fundamental law for the Old Northwest, and model for our territorial governments; printed in MacDonald, *Select Documents*, Poore, *Charters and Constitutions*, and elsewhere. (J. S. F.)

made a rule of government in this Territory confers a plain and simple power on the Governor and Judges. *They, or a majority of them, shall adopt laws from the original states.* They are not made *a body*, they have no speaker, there is no definition of a quorum. The majority required is *not a majority of those present,* but a *majority of the whole.* Three signatures therefore, or the assent, in some shape, of three persons becomes indispensible, under the ordinance, to any provision which is intended to have the obligation of a law.[17] Regulations sanctioned by three members of this government, being adopted from the laws of the original states, have all the force of laws; unless disapproved by congress, when reported to them.

A regulation signed by your Excellency alone, and bearing date on the ninth ..... day of November 1808, institutes indeed very different provisions.[18] If this is a law binding on the inhabitants and government of this Territory the form of government given by the ordinance is essentially changed. It may indeed be improved; but the question will still remain, and it is a question all important under a republican form of government, "*has the change been made by the competent authority? and does not the* CREATURE *in this instance arrogate the power which alone belong's to the* CREATOR?"

This question at length assumed a judicial shape; and in the action brought by James Mac Garvin against James Wilson, in the Supreme court of this Territory, in which judgment was rendered on the fifth day of October 1809, in favor of the defendant in error, the principal became definitively settled, as far as the authorities of this government are competent to settle it. By this adjudication the sanction of three members of this government is considered requisite to a law. Any writing without this is conceived to be merely *a bill,* or *proposal of a law,* and therefore not binding on the courts of Justice;[19] and strictly speaking not subject to be disapproved by Congress, even if reported to them.

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[17]The whole body consisted of four members, the Governor and the three Judges. (J. S. F.)

[18]Owing to differences between members of the legislative board, it was difficult to secure much needed legislation under the above interpretation of the law. Judge Griffin sided with Woodward, while Judge Witherell supported Hull. The absence of a single member might block legislation. During Judge Woodward's absence at Washington, the law alluded to was passed, providing that *three* should constitute a quorum sufficient to do business and that a majority of such quorum should be a sufficient majority to the making of a law. The law should then be signed by the Governor alone. *Terr. Laws* IV, 21; Campbell, *Outlines of Polit. Hist. of Michigan,* pp. 245-250. (J. S. F.)

[19]The Act of Nov. 9, 1808 and forty-four other laws, passed during Woodward's absence, and ranging in date to May 11, 1809, were *inferentially* held to be void by the above decisions of the Judiciary. The Executive held the contrary opinion, and the citizens were in a quandary, inasmuch as the laws dealt with their every-day affairs. See the list, *Mich. Pion. & Hist. Colls.* VIII, 593, 594; see also p. 613, for an account of the case mentioned. (J. S. F.)

This adjudication of the Supreme court has excited in your excellency a storm of indignation, as extraordinary, as the consequences have been singular. A calumnious and inflamatory proclamation is issued on the 19th. day of October 1809; a proclamation which is *calumnious,* because it states matters which are not facts; and *inflamatory,* because it makes the undersigned in particular, as the presiding judge of the Supreme court, the object of your indignation.

The matters stated which are not facts are these. You assert that the Supreme court decided the bills signed by you to be unconstitutional. This the Supreme court did not decide. You complain that the whole of your bills were declared null, extra-judicially, and by making abstract questions; neglecting to state truly the answer of the court to the enquiry made of them on that subject, and which was intended expressly to avoid an abstract question, on extra-judicial decision. It was conceived in these words. "The same principle which applies to one bill will apply to others similarly situated; but this is a matter of influence which every mind must make for itself. This court cannot be compelled to decide on any other case than that actually before it.

The proclamation of your excellency proceeds to state that the officers of the government, in consequence of this adjudication, hesitated whether to obey your bills. You wish to relieve [sic] them from any further doubts on that subject, by informing them, that any other construction of the ordinance, than that made by your excellency is an absurdity; and therefore calling upon all good citizens to be firm and uniform in obeying your bills, and requiring the *civil,* and even the *military* authorities of the country, to carry them into effect.

In consequence of this very singular, and in an American government unprecedented stile [sic] of proceeding, the minds of our good citizens have been confused. Some of the justices of the peace, knowing that if the decision of the Supreme court, in any case, really be erroneous, you have no authority to reverse it, have disregarded your proclamation. Others, on the contrary, who derived higher fees from your bills than from the established laws, continue to act under them. Citizens are from time to time incarcerated—by the magistrates appointed by you, and obeying your proclamation and bills; and as continually released from their imprisonment by writs of *habeas corpus*, issuing, when applied for, from the Supreme court, and the judges. Two magistrates appointed by you, and composing an inferior court, have refused to admit to record the last will and testament of the late collector of the port of Michillimackinac devolving it on an officer commissioned under one of

your bills; and the executors have been compelled to seek a remedy by writ of *mandamus*.

The refusal of your excellency to attend with the judges in a legislative capacity for four months preceding your change in the mode of passing laws, your precipitate adjournment of the late meeting of the Governor and Judges almost as soon as they were assembled, your violent proclamation, your present unusual notice to the inhabitants *of an opportunity to make applications*, and the facility with which it is well known an executive magistrate, having a variety of small employments to bestow, may create a turbulent and clamorous band of adherents, bearing down both public sentiment, and the tribunals of justice, all indicate the necessity of caution against what you are now attempting; and which, if successful, would amount to a literal subversion of the judicial authority of this government.

Your late reports as a committee enquiring into your own conduct in the executive department, and which abounds with so many personalities to the other members of the government, is perhaps as little to be justified as the extraordinary proclamation.

The false alarms respecting hostilities with the savage tribes under your superintendance; besides the great and useless expence [sic] occasioned to the general government, and your appropriation of the territorial resources to that object on your sole authority, and indirect violation of our laws; have given rise to two inconveniences to this country, which it is conceived the legislative power, as it exists, would be competent to redress —.

The first of these is your embodying the runaway slaves belonging to the inhabitants of the adjacent province of his Britannic Majesty in a militia company, appointing a negro officer to command them, and supplying them with arms belonging to the United States. The supplying those slaves with the public arms has been thought to have been done without the sanction of the proper authority; but, if this should be doubtful, the *legitimacy*, or the *policy*, of embodying negroes as militia, and particularly the runaway slaves of gentlemen living under the government of his Britannic Majesty in this vicinity, held under the laws of that country, and the very irregular mode adopted by your excellency of appointing the officer to command them, are matters of greater certainty. The peculiar state of this Territory on the great subject of slavery, ought to render the legislative power particularly vigilant over such a train of unwarranted transactions.

The second inconvenience is more serious. It is your ordering the inhabitants of the country to cut picquets, transport them from the

country dig trenches plant picquets in them, mount nocturnal guards etc. etc. without their being called out in the quality of militia in actual service; and, of course, without being put under pay. A power of this description, it is believed, has never heretofore been exercised in any part of the—United States; and the same authority which passed the law relative to the mititia was perhaps competent to make enquiry into its execution.[20]

These, Sir, are public questions; and in order to suppress investigation of them you have no right to indulge in any asperities to the members of, what has been termed, the legislative board. When assembled they are on a footing of equality; and though you are entitled, from dignity of office, as well as from being first named, to preside at their deliberations, yet if your conduct is unworthy, or you indulge in an improper demeanor towards those who differ with you in sentiment, it is perhaps in their power to interpose an effectual check.

When I recollect the nocturnal attack made upon the domiciles of the late Secretary of this government,[21] the pardon recently held out by your Excellency for a different offense, [22] and that the Judges of the Supreme court are now proscribed by a proclamation of the executive magistrate, and the civil and military authorities arrayed to defeat their judgments. I conceive that it amounts to an attempt to subvert this government *by force;* and that it is my duty to present to it, what I trust will not be an unbecoming, but which will certainly be a *firm* opposition.

I therefore return you this answer to your requisition of attending you in, what you have termed, your legislative character; and which you subscribe with the appellation of "President of the Legislative Board."

I will not act with you in that capacity until your proclamation, bearing date on the nineteenth day of October 1809, be annulled; or until unequivocal evidence be otherwise manifested that it is not to be attended

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[20]All these complaints were about this time made the subject of a memorial to the President for the removal of Gov. Hull. After reciting the grievances above mentioned, the memorial continues,—"In short, he may be said to have assumed all the powers of government with his own hands, the legislative, executive, and the judicial; * * * the laws, *or pretended laws now appear in his name alone;* and he undertakes to revise and annul the sentences of our courts of justice screening his partisans from punishment, and thundering defamatory proclamation upon the judges." *Mich. Pion. & Hist. Colls.* VIII, 589-592. (J. S. F.)

[21]Stanley Griswold of Connecticut, 1805-1808. Between him and Gov. Hull, to use Judge Woodward's expression in his letter to Bates, July 18, 1807, "the discord was both great and bitter." See note 1. (J. S. F.)

[22]Major John Whipple was fined by the Supreme Court in Sept., 1908, for calling Judge Woodward "a damned rascal," on account of judgment rendered by him. Gov. Hull in Feb. 1809 remitted the fine, and later appointed Whipple judge for the District of Erie, Woodward in Sept. 1809 secured an indictment from the grand jury against Hull for granting an illegal pardon. *Mich. Pion. & Hist. Colls.* V. 560; VIII, 587. (J. S. F.)

with farther obedience on the part of either the *civil,* or *military* authorities, you therein call upon, and more especially the latter.

The form of government which you are now acting under is not that instituted by the ordinance, and acts of Congress; but a different one, instituted by your acts of the ninth day of November 1808. I do not consider myself a member of the latter, and I dare not give you my aid in carrying it into execution. When you return to the previous, and legitimate course of government, I shall attend you; and, as heretofore, shall cheerfully sign my name to any law which meets the approbation of others, whether it receives my vote or not. I except, at all times, the first section of your second bill, punishing *treason against the Territory of Michigan* with death;[23] a provision of this kind operating to punish one of my fellow citizens with death, for perhaps an *imaginary crime,* the Territory possessing no sovereignty.

I am,
respectfully,
Sir,
Your obedient servant,
A. B. Woodward.

His Excellency
William Hull
Governor of the Territory
of Michigan.

Territory of Michigan, ss:

Collated with the original papers, at the request of His Excellency Govr. William Hull—[24]

City of Detroit the 2d. August 1810.
Jos: Watson
Notary-Public D. D.

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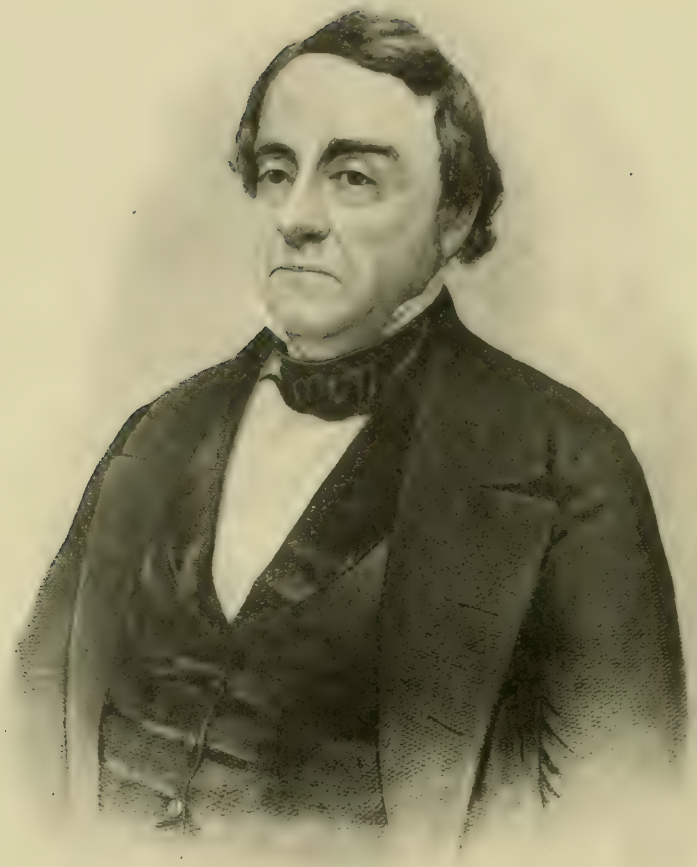
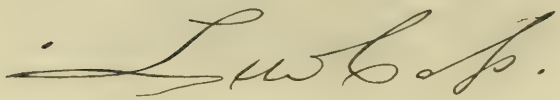
[23]An act for the punishments of crimes and misdemeanors. *Territor. Laws,* IV, 22. (J. S. F.)

[24]Owing to the difficulties between the members of the Legislative board, no laws were enacted between May 11, 1809, and Sept. 1810. A session was held however, in the latter part of August, at which Judge Woodward endeavored to secure the passage of a bill declaring all the laws passed between Nov. 9, 1808 and May 11, 1809, except such as the board should reenact, null and void. The bill was drawn in such a manner as to humiliate Hull and sustain Woodward's position, but it failed to pass. A compromise was however arrived at in "*An act declaring any and all bills, acts, laws, enactments or regulations whatever, heretofore existing, or supposed to exist relating to the manner of authenticating the legislative acts of this government, shall be null as to any future operation,*" published Sept. 1, 1810. Practically, it was a victory for Hull, since the Act of Nov. 9, 1808 was alone affected, and that only in its future operation. The other acts, forty-four in number, were to stand. Woodward secured his point relative to the signing of laws by the Judges, as well as the Governor. The law of Sept. 1, 1810 bears four signatures, and thereafter all the laws have at least three. *Mich. Pion. & Hist. Colls.* VIII, 593, 594, 609, 612-615; *Territor. Laws,* IV, 92. (J. S. F.)





GENERAL AND GOVERNOR OF MICHIGAN.

GOV. CASS ON THE BLACK SWAMP ROAD—[1]WINTER OF 1814-15.

[Smithsonian—Schoolcraft MSS.—File Case A, under C.]

(Draft)

The importance of the country in the vicinity of the upper Lakes is now properly appreciated. During the existence of the present contest, the efforts of the enemy to regain possession of it will probably be powerful and unremitting. A natural anxiety to recover the country lost by the disasters of an inglorious campaign, and the individual and National wealth they have acquired from the North West trade furnish motives sufficiently strong to stimulate them to such an enterprise. But a cooperation with the Indians, which forms so marked a feature in their policy, is a consideration of greater weight in their estimate of the importance of the country— Without it's possession, they can retain no permanent influence over their savage Allies. They can make no lasting impression upon their hopes or fears. The deluded Indians would soon learn the advantages of a pacific policy, and convinced of the Justice and liberality of the general Government, would renew their accustomed relations of amity with the United States. But upon this subject it must be unnecessary to enter into much detail. To the services of the Indians, the enemy owe the possession of the upper Province.[2] It must have fallen at the commencement of the contest had not the threat of savage barbarity, joined with other causes, sufficiently understood, enabled the British commanding officer to obtain an important acquisition in the Territory of the United States. From that time to the present a considerable proportion of the Northern and Western Indians have openly or secretly adhered to the cause of the enemy and will continue so to do untill [sic] the communication between them is interrupted and with it is destroyed the influence which the British have acquired. Sound policy requires, that a respectable force should be maintained at Detroit and in its vicinity during the existence of this war. To overawe the Indians and to prevent the British from obtaining a footing in the country will furnish employment for this force. It must be principally drawn

[1]This letter is unsigned and undated but its contents show that it was written in the winter of 1814-1815. It was afterward drawn upon in later representations to the Federal Government respecting the need of improved means of communication by land between Michigan and the more settled portions of the Union. See Gov. Cass and General McArthur to Sect. of War, Nov. 29, 1817. *A. S. P. Miscell.* II, 596-597. (J. S. F.)

[2]Upper Canada or Ontario. This opinion is shared by Henry Adams. *Hist. of U. S.*, VII, 141. (J. S. F.)

from Ohio and Kentucky and the route, which these troops must take and the difficulties they must encounter on their march furnish the occasion for these observations. Along the southern margin of Lake Erie is a tract of wet country, which always presents serious difficulties to the traveller and frequently insurmountable obstacles. From Fort Meigs for about forty miles towards Urbanna and the whole distance to Lower Sandusky it becomes a morass known by the name of the Black Swamp.[3] With the exception of a few families at the latter place, there are no inhabitants for more than one hundred miles on one route, and for more than seventy on the other. Troops marching from Ohio and Kentucky must cross this swamp with their baggage and provisions. The impediments it offers to the movements of an army have been seriously felt in the operations in that quarter.[4] Immense have been the expenditures rendered necessary by the nature of the country, and by the want of Population. Had these swamps been intersected by a great Military road, along which troops might have marched and the various species of stores necessary for the support and for the operations of an army been transported, the reduction of Detroit would have been easy and its tenure secure. It is the part of true wisdom to provide, that our important possessions in that quarter should not be wrested from us and it will be found to be real economy to attain this object by rendering the communication safe and expeditious. From what I have seen and heard I have no doubt but a sum exceeding any reasonable calculation might have been saved, had a permanent road been made through this country prior to the commencement of hostilities.[5] The events of the war cannot be foreseen. An unfortunate campaign on our part, a sudden invasion on the part of the enemy or one of those accidents, which in hostile operations perpetually occur, may enable the British to regain all they have lost. We may again be driven to contend for Detroit upon the frontiers of Ohio. The same difficulties will then be encountered and the same expense incurred. The command of the Lake affords us facilities we did not possess before

[3]The Black Swamp was the name applied to the heavily forested level basin of the Maumee System lying south of Lake Erie, between the Maumee and the Connecticut Reserve. The subsoil of clay, being impervious to water, the thick black loam was in a chronic state of flux during a large part of the year. The clearing of lands and digging of ditches with tributary tile-drains have now rendered it profitable for cultivation. C. E. Slocum, *Hist. of the Maumee River Basin*, Chap. I. (J. S. F.)

[4]Capt. Robert B. M'Afee gives a vivid account of the difficulties encountered in transporting supplies to Harrison's army through this morass. See also Gen. Harrison's letter to Sect. of War on the subject of communications. Quoted in *Ibid.*, p. 303. (J. S. F.)

[5]It was estimated that the Government was put to an extra expense of from ten to twelve millions of dollars during the War of 1812 for want of a good road. See remarks of Gabriel Richard, Delegate for Mich. Territory in 1825. *Cong. Debates*, I, 374. (J. S. F.)

heroic valor and professional skill were so eminently displayed in its acquisition. We are enabled to transport from Erie such stores and provisions as are forwarded to that Depot. But troops with their baggage and the supplies of beef and pork still pursue the route by land. It should also be recollected that the navigation of the Lake is at times hazardous and for nearly six months of the year closed by the ice. The communication must then be preserved by Land. If at this season, the enemy by a sudden movement should threaten Detroit, it might be necessary to throw in reinforcements and to increase the quantity of provisions. This event is not improbable. It happened last winter. It became necessary to add to the number of troops and the supply of Provisions was found inadequate to the consumption.[6] Measures were immediately taken to provide for the deficiency by making purchases in Ohio and endeavoring to forward them. But such were the difficulties which the nature of the country opposed to their transportation, that it was found impracticable and for a considerable time the troops were reduced to half rations of flour. Another large detachment will march from Ohio during the present winter to Detroit, and it requires no uncommon share of prescience to foresee, that this difficult, tedious and expensive march must be encountered many times annually by troops going and returning, untill [sic] peace shall terminate the contest for the possession of the country. There are other considerations connected with this subject, too important to be overlooked. Our Naval superiority is not beyond the reach of accident. Should circumstances enable the British again to acquire the ascendency upon the Upper Lakes our communication with Detroit could only be preserved by land and our possession of the Country would in a great degree depend upon the facilities which the roads might offer to the march of troops and to the transportation of their stores and provisions. It is to be hoped that such an event is remote. But the possibility of its occurring, and its desastrious [sic] consequences, should we be found unprepared, furnish powerful motives to provide, as far as human wisdom can do, for the event.

The country for about forty miles southward and eastward of Fort Meigs presents the greatest difficulties to the formation of a road. No description can convey to a person, who has never travelled it, an adequate idea of the obstacles to be surmounted, before such an object can be effected. Little is hazarded in saying that individual enterprize or the operation of ordinary causes will not accomplish it for a period, which the rapid improvement of the United States generally, would leave with-

[6]See correspondence between Peter Hagner and Lewis Cass, Feb. 25 and Mar. 14, 1817, given below. Also *A. S. P. Milit. Affs.* I, 649. (J. S. F.)

out a parallel. But the country from the extremities of this swamp, northward to Detroit and southward and eastward to the settlements in Ohio, is such, connected with the view already taken, as to render it desirable and even necessary, that the establishment of roads over it should be at the national expense. It has been stated that, from Fort Meigs to the interior of Ohio, there are no settlements for many miles. The whole country with the small exception hereafter to be mentioned is yet the property of the Indians.[7] The present is not a fortunate period to procure the extinguishment of their title, and in fact the attempt would be attended with injurious consequences. From Fort Meigs to within nine miles of Detroit, the only settlements, which intervenes [sic] is at the river raisin.[8] The awful calamities they have endured render them worthy of the bounty of the Government. Assuredly they cannot be taken into consideration in any estimate of the labour, which settlements upon the road can be expected to contribute towards its completion. The other settlements[9] in the Territory are thin and weak. In 1810 the adult male population was but [left blank] [10], and since that time the disastrous scenes, they have passed through have reduced their number. It therefore appears certain, that unless some portion of the national resources can be approp[r]iated to this object, we may in vain expect its accomplishment, and through a false economy, we may loose [sic] the country, which now furnishes us with the motives and the means for its own preservation.

Detroit with its dependent settlements is an insulated point upon the national Territory. The events of this war have shewn that its possession is important to the peace and security of a considerable portion of the Union. But it has neither the resources nor the population, adequate to its own defence. It is in fact calculated to invite rather than to repel an attack. Surrounded by enemies, it must look to some more fortunate part of the country for defence. Its approach by water is uncertain, temporary and for many important purposes inconvenient. By land it is difficult, tedious and expensive. A permanent well made road will facilitate this approach by land. It will remove the barriers which

[7]The Indian title to this territory was extinguished by the treaty of the Rapids of the Miami in 1817, and it became vested in the Government. *A. S. P. Ind. Affs.* Vol. II, p. 131. (J. S. F.)

[8]In a Memorial to the General Government by the Committee of Public Safety of Detroit, Dec. 27, 1811, other settlements are mentioned at the Huron, Ecorces, and Rouge rivers. *Ibid.* I, 781. (J. S. F.)

[9]"The River Huron (Clinton) of Lake St. Clair, * * * the River Sinclair, * * * the Island of Michilimackinac, * * * Sundry detached settlements." *Ibid.* (J. S. F.)

[10]The number of males above sixteen was 1493; the whole population, including French Americans and British, settlers and troops, white and colored was 4762. *Ibid.* (J. S. F.)

nature has interposed and will in effect approximate this country to the states of Ohio and Kentucky, whose large resources and active population may be employed in its security and preservation, as they have already been in its recovery and defence.

After these preliminary observations, I proceed to shew by what means, this important road may be made, the route it should take, the necessary Legislative provissions [sic] for its completion and preservation, and its effects independent of furnishing the means of communication for military purposses. By the treaty of Brownstown[11] the right of making a road, together with one mile of land on each side of it, from some point near Lower Sandusky to the foot of the rapids of the Miami, where Fort Meigs now stands, was ceded to the United States. In the summer of 1812 a road was surveyed from the river about five miles above Lower Sandusky to the foot of the rapids of the Miami—[12] The distance was found to be about thirty two miles, experience has since shown, that the best ground was not selected, and that this road should have commenced at Lower Sandusky. In the event of any attempt being made to form a permanent road through this country, a revision of this survey will be necessary, and as the land on each side of the road is ceded, the cession will take effect, wherever the road may ultimately be established. At the first treaty of Greenville[13] two miles square at Lower Sandusky and twelve miles square at the foot of the rapids of the Miami were ceded to the United States. These three tracts of land furnish all the means it will probably be found necessary for the National Government to approp[r]iate to this important object. I have made some inquiry and the result is a conviction that from Lower Sandusky to Fort Meigs a road such as the country renders necessary and the nature of the services requires, may be obtained for the land on each side of it secured by the treaty of Browntown. Should it be deemed expedient to run it from Lower Sandusky the distance would not exceed forty nor fall short of thirty miles, giving eighty square miles as the maximum and sixty as the minimum of the cost. This part of the contemplated road passes through a country, which now presents the most formidable obstacles to an easy access to Detroit— Every foot of it must be causewayed with logs and covered with earth. There is not a mile of road in the whole route, which even in a new and wet country would be considered tolerable But the land is well timbered

[11]Negotiated by William Hull, Nov. 25, 1808. *A. S. P. Ind. Affs.* I, 757. (J. S. F.)

[12]Congress appropriated $6000, Dec. 12, 1811, for exploring, surveying and opening up the road. This was expended under the direction of the President, but the war served to interrupt work and to prevent its completion *A. S. P. Miscell.* II, pp. 467, 468, 593-595. (J. S. F.)

[13]Dec. 9, 1795. *A. S. P. Ind. Affs.* I, 562. (J. S. F.)

and the facility, which this timber affords towards making the road will much diminish the labour. From Fort Meigs to Detroit a great part of the country is without timber, and although the ground is more favourable to the establishment of a good road, yet the scarcity of timber will be found to effect the price. From Lower Sandusky, southward by the route, which it appears necessary to take the ground is more favourable and better timbered than any other part of the road. In order however, that the attainment of the object may be rendered certain and that proper security may be obtained for the preservation of this road, it would be expedient, that such a part of the land on each side from Fort Meigs towards Detroit as might be deemed necessary should be approp[r]iated in aid of the other tracts. Twenty or thirty miles would render it certain and perhaps no part of this would ultimately be found necessary.

In appreciating the value of this land and in attempting to calculate what the cost of such a road would be to the National Government we are not to estimate the land at its supposed price of two dollars per acre. This is the price where a credit of five years is given, and where the different installments are payable without interest. But by prompt payment the lands of the United States may be purchased for one dollar and sixty four cents per acre. When therefore the Nation go into market with land for the attainment of any object, that land can be estimated only at the price, at which it is then selling for cash. This consideration fixes the value of Publick [sic] lands in the most favourable situations at one dollar and sixty four cents per acre. But there are other causes, whose operations must not be overlooked in this view of the subject. For one dollar and sixty four cents per acre any land belonging to the United States and offered for sale may be purchased. The sale of large remote tracts is always slow and gradual. When such a tract first comes into market, a small part only is worth, the price, at which alone it can be sold. It gradually rises in value as the settlements increase, untill [sic] each part in succession attains the price fixed by law. Where a large tract of country is offered for sale, to estimate its aggregate present value at one dollar and sixty four cents per acre is to overlook the time, which must elapse and the expence, which must be incurred before it is sold. It is consequently to overlook the difference in value between a large sum, the whole of which is paid immediately, and one in which the payments are uncertain, without interest and may be protracted to an indefinite period of time. In addition to this, the land proposed to be given for making this road, is in a remote unsettled part of the country. One of the tracts is a narrow strip running through the Indian Territory

and a long period may intervene before the contiguous land is ceded to the United States.

In examing [sic] the route, which the proposed road should take no difficulty occurs between Detroit and Fort Meigs. It must run from one of these points to the other. From Fort Meigs two routes presents [sic] themselves, one to Urbanna, and the other to Lower Sandusky.[14] To the former is this decisive objection, that the country has never been ceded by the Indians and to attempt at this critical period to procure it would give them serious cause for dissatisfaction. It is therefore useless to examine, which route presents the fewest obstacles to a road and which would be the most convenient for the march of troops and for the transportation of stores. Were such an enquiry necessary, I believe it would be found that both objects would be more completely attained by pursuing the route to Lower Sandusky. Had the country between this place and Deleware been ceded to the United States, the road should pursue that route. As it is yet the property of the Indians, no alternative presents itself, but running the roads to Mansfield about fifty miles from Lower Sandusky. Here the country assumes a different aspect. Good roads may be easily made and the ordinary resources are adequate to the object. A road for national purposes alone is no farther wanted, and national assistance is therefore unnecessary. This route possesses one advantage of some importance. A road from Lower Sandusky to the termination of the great Western turnpike, leading from Cumberland to the Ohio,[15] would pass not far from Mansfield. By pursuing this course considerable progress would be made in a great leading road from the Capitol to one of the extremities of the Union. Future enterprize and industry either individual or National might complete the work and it would equally promote the varied intercourse of peace and the important operations of war. This view is prospective, but the time cannot be remote, when the policy of connecting the different parts of this vast republick by great permanent roads will be felt and acknowledged. When such a policy shall banish local jealousies and discordant interests, shall furnish new and increased facilities for private industry and shall add strenghth [sic] and wealth to the resources of the Nation. The necessary legislative provissions upon this subject relate to the making and to the preservation of the road. Should the National Legislature, believe that its accomplishment in the manner and upon the principles herein advo-

[14]A third route was used by Gen. Wayne in 1794, and by Gen. Harrison in 1813, via. Fort Defiance, Greenville and Fort Recovery. (J. S. F.)

[15]The Cumberland road here referred to was opened to the Ohio at Wheeling in 1818. Hulbert, *Historic Highways*, Vol. X. (J. S. F.)

cated would be an object, for the encouragement of the General Government, it would then be important that the details of the law should be such as to ensure its speedy and faithful execution. From Fort Meigs to Lower Sandusky all the road and from Detroit to Fort Meigs a considerable part of it must be causewayed. The quality of this artificial road, the mode of making the contract, and the examination of the work presents the most necessary objects for minute detail. Unless the land contiguous to the road from Fort Meigs to Low Sandusky is charged with keeping it in repair, it will soon become impassible. If the land be granted upon this condition, the road would be permanently beneficial. In this event some penalty or clause of forfeiture operating upon the land granted, some specific mode of enforcing it, and the manner, in which it shall be determined when the negelect of the road renders it proper to resort to the clause of forfeiture will be obviously necessary. A similar provision would render the other parts of the road more important. Where it passes through the land granted for its completion by a small addition to the quantity of the grant, it is probable no difficulty would be experienced in annexing this condition to it. But where its distance presents an insurmountable objection to such an arrangement nothing farther can be expected, than that the road when completed should be of a description best suited to continue some time without the necessity of repairs.

But the effects of such a road in a National point of view will not be confined to the march of troops and in the transporation of stores necessary to the defence of an important frontier. Such a road by increasing the population of the country, through which it passes will render it more able to repel hostile attacks and less liable to provoke them. The policy of withholding from market the tracts of land, which were ceded to the United States by the first treaty of Greenville lying contiguous to the different Military Stations is very questionable. The quantity reserved is in all cases much larger than can be required for any Military purposes. It must have been with a view to encourage settlements, which might supply the wants of the troops, that these tracts were reserved. Flourishing settlements upon the larger reservations would be adequate to this object, and their population might reciprocally assist as well as derive protection from the Garrisions. For nearly twenty years these reservations have been the property of the Nation, and for any important purposes they are now as useless as the day they were ceded. An efficient population upon these reservations at Lower Sandusky and Fort Meigs, upon the road between, and from Fort Meigs towards Detroit

would be of great importance in any future operation in that quarter. Their strenghth [sic] and resources might be called into service without the immense expenditure, which attends the movements of troops from the interior of Kentucky and Ohio. Their position would also render it unnecessary to call upon them, untill [sic] the designs of the enemy and the consequent danger were apparent. Such a population and such a road would materially effect the value of that part of the surrounding country belonging to the United States, when ever it may be deemed expedient to offer it for sale in the ordinary manner. Its operation will also be felt in the country between Fort Meigs and Lower Sandusky after the extinguishment of the Indian title. The considerations upon this part of the subject are so apparent as to make it unnecessary to pursue them. There can be no doubt but a considerable part of the cost would be refunded by the enhanced value and rapid sale which would then take place. This road will therefore be attended with these great National advantages. A direct and easy communication will be opened between an important frontier and that part of the country, to which it must look for defence and protection. The march of troops and the transportation of stores and provisions will be rendered comparatively easy and expeditious. The strenghth [sic] and resources of the country itself will be encreased. And an additional value and rapid sale will be procured to the publick lands in that quarter.

Although not immediately connected with the proposition for a road, it may not be improper to advert to the policy of encouraging emigration to the country in the vicinity of Detroit. The number of persons in the Territory fit to bear arms has been mentioned. The settlements are principally upon the margin of the Detroit river, upon Lake Sinclair the river raisin and a few small streams. These settlements form a long scattered defenceless frontier of the breadth of half a mile, liable to savage inroads and bounded by an extensive wilderness. One fact will give a better idea of the situation of the country and of the exposure of its inhabitants, than the most laboured description. There is not in the Territory a single house even including the Town of Detroit, within a mile of which an Indian may not approach and yet keep within the interminable forests which protect him from discovery and shield him from pursuit. It must be obvious that a country thus situated can have neither strength [sic] for its defence nor resources for its support. In fact it is a burthen [sic] upon the National means, dependent upon the National. And so it must continue untill the restoration of peace or untill their strenghth and resources are increased by an augmented population.

I do not travel far out of the subject to remark that the conduct of the people of this country should have protected them from assertions and reproaches, which have impugned their patriotism. I have found them zealous, active and faithful, attached to their country rejoicing in her victories and mourning her disasters. Let any other part of the union pass through the same scenes of adversity and danger and there is reason to doubt whether at there [sic] termination as many persons would not be found to have joined the cause of the enemy. They were alternately promised threatened and attacked. The dangers which surrounded them were not the legitimate offspring of civilized warfare. Every art was used to entice or to terrify them into the ranks of the enemy, and yet at the [re]storation of the Territory not more than four of its citizens we[re] found to have deserted the standard of their country.

No land belonging to the United States has ever been offered for sale in the Territory. Its settlements are consequently confined to the smal[l] quantity, which was acquired under the French and British Governments. It would be useless to offer any land for sale there at this time with a view to raise any revenue from it. If it be considered an object of publick concern to encourage migration into the country it cannot be effected by opening a market for land at the ordinary price. Where the purchaser can procure peace and security upon easy terms, he will not encounter the calamities and dangers of war. How far it would be politick to grant certain tracts in the country to actual settlers free of expense or at a price little removed from nominal is a question of equal delicacy and importance. I leave it however without any examination. But [th]e advantages resulting from an augmented population admits of no doubt. By it the Territory would be placed beyond the reach of ordinary accidents. Its physical strength and its convenient supply of provisions would enable the Nation to defend it at a small part of the expenditure, which is now required.[16]

[16]In spite of this and equally strong representations, the road remained unbuilt for many years. By act of Cong. Apr. 16, 1816, the President was authorized to cause an alteration to be made in the route laid out under the Act of Dec. 12, 1811, so that the road should pass through Lower Sandusky. The acquisition of the land through which the road passed, by the treaty of 1817, raised doubts as to whether the obligation imposed upon the United States by the treaty of Brownstown to construct the road still remained. In 1820 the Legislature of Ohio instructed her representatives in congress to urge the prosecution of the work and invited the Michigan delegate to cooperate, and the latter, William Woodbridge as chairman of the committee to whom the matter was referred, brought in a strong affirmatory report. It was not until 1823 however when an act was passed authorizing the State of Ohio to construct the road and granting land one mile back on each side of the road to defray expenses. It was "completed" by the State late in 1826, but was so poorly done as to be the subject of much grumbling for many years. *Stats. at Large* III, 285, 727; *A. S. P. Miscell.* II, 593; *Annals of Cong.* 17th 2nd Sess. 443, 547; *Mich. Pion. & Hist. Colls.* I, pp. 187, 188 501, 504. (J. S. F.)

DEPOSITION OF CAPT. JOHN McDONELL,[17]* JUNE 30, 1815.

[Library of Congress—Schoolcraft Papers—1815.]

Personally came before me the undersign,d a justice of the peace in the town of Detroit and territory of Michigan; John McDonnel Esq[r]. a magistrate (and late a captain commanding a troop of Volunteers in the service of the U. S.) duly commission,d by Lewis Cass Esq[r]. governor of Michigan Ter[r]itory, under the authority of the United States; to keep the peace and execute the laws of that portion of Country belonging to his Britanic Majesty in the Western destrict of upper Canada which was conquer,d by the Sd United States in September 1813 and under the jurisdiction of said U. S.[18] and he being duly sworn on the holy evangelist of Almighty God deposeth and saith;

That he the said deponent was inform,d on, or about the first day of June inst[t]. by a Gentleman in Sandwich (a British subject) that this deponent had better not come within the british lines or that his person should be seized and that the consequence might prove fatal; which information the depon[t]. immediately made known to his commanding Officer at Malden (Where the depon[t]. then kept Shop) viz Maj[r]. W[m]. Henry Puthuff;† and to the rest of the officers under his command who unanimously thought and agreed that such an act could not be attempted without a violation of the first article of the treaty of peace between the two governments and had the said Major Puthoff commanded and that if such an outrage was committed that he would proceed immediately to acts that would be disagreeable to his own feelings; and no doubt

[17]A. D. S.—For a sketch of his origin and early life, see his letters to Gov. Cass, Dec. 4, 1822, given below. He later became a member of the Territorial Legislature and of the Judiciary and acquired considerable property in Detroit. *Mich. Pion. and Hist. Colls.* IV, 477. (J. S. F.)

*Sketch of the life of John McDonell in Michigan Biographies, 447. (C. M. B.)

[18]For some time after the treaty of peace, each side retained conquests made during the war. Malden was retained till July 1, 1815, when a transfer was made and Mackinac received in return. Prior to this time, frequent clashes occurred between Col. Butler, commanding at Detroit, and Col. James, commandant at Sandwich. Campbell, *Polit. Hist. of Michigan*, pp. 378, 379. (J. S. F.)

†William Henry Puthuff was a native of Virginia, and came to the north west with the army in 1812, he being then 43 years of age. His army record shows that he was a captain in the 26th Inf. in 1813, and major in 2d Rifle, in 1814. In 1815 he resigned and moved from Detroit to Mackinac with a commission as justice of the peace. A public meeting was called in Detroit and a farewell address by the citizens presented to him upon his departure. He engaged in business in his new home and was later elected a member of the Legislative Council to represent Michillimackinac. He died suddenly on the street in Detroit, June 16, 1824, during the session of the Council. (C. M. B.)

the harmony intended to subsist between the two governments; would be in a degree interrupted; and that Col[l]. Butler the commanding officer at Detroit no doubt knew his duty. The depon[t]. placing full reliance on the opinion of the said Maj[r]. Puthoff and the other officers, went on sunday the 11.th Ins[t]. to his father in law Thomas Smith Esq[r].(*) in Petite Cote two miles below Sandwich On Monday following as the said deponent was returning to Maulden in a boat belonging to M[r] Berzie M.ch[t]. from Montreal. They were obliged to put to shore owing head winds at Druillards in said Pettete Cote, The Depon[t]. enter,d Druillards' where he met with a M[r]. Ironsides Indian store keeper who shew,d him politeness and attention and that while he remain,d there Cap[t]. Billy Caldwell[18½] of the Indians with (Clark and others) came in who all appear'd to be civil. The deponent went out of M[r]. Ironsides room and met M[r] Berzie on the road who asked him to dine with him at Boismeres tavern, and then observed that he was sorry to inform him that Boismeres intended harm to the Depon[t].; who instantly reply,[d] that he fear,d no persons and then asked. M[r]. B[rs]. if he understood that violence was intended to which he answered in the affirmative; The Deponent and M[r]. B. went in together and dined. in the meantime observed Boismere and James Allan Jun[r] Start in a Callash with great expedition towards Sandwich and as the Depon[t]. verily believes since with the sole intention of informing Col[l]. James with the view that this Depn[t]. should be taken up The depon[t]. came out of Boismeres then and went to Druillards in M[r] Ironsides room waiting till the wind should abate and sat about half an hour; When Cap[t]. Billy Caldwell came with some indian interpreters and indians, and announced that by authority of Col[l]. James that the deponent was his prisoner and that he must go to Sandwich.

*Thomas Smith was a surveyor in Detroit and Canada. His name appears on the census roll of Detroit in 1779. He was clerk of the (Canadian) Land Board in 1789 and the following years. He assisted in assembling the Indians who resisted General Wayne at the battle of Fallen Timbers, but did not take any other active part in the troubles. When the Americans took possession of Detroit in 1796 he chose to remain a British subject, but subsequently laid claim and obtained title to a large tract of land just below the present city of Detroit on the river. The parcel was much larger than that allowed to a single individual, but he succeeded in maintaining his claim. He made a map or survey of Detroit after the fire of 1805, but the plan has been lost and no copy of it is known to exist. He remained a government employee in the land department of Canada for some years but was finally dismissed on account of a quarrel with his superiors. Many of the surveys and maps of the Detroit river, on both sides, were made by him or under his directions. His daughter became the wife of John McDonell. Smith is mentioned several times in Matthew Bunn's Narrative, reprinted in Vol. VII, Buffalo Historical Society.—C. M. B.

[18½]Half breed Pottawatomie chief, friend and associate of Tecumseh and Black Hawk. (J. S. F.) *He was a natural son of William Caldwell (Canadian), Deputy Superintendent of Indian Affairs (1814), captain in the Butler Rangers (1781). He is mentioned in Memorial des Famillies Casgrain, Baby et Perault, 113. (C. M. B.)

In this Cap^{t}. Caldwell acted with a degree of politeness in procuring a Horse and Callash. in the meantime the dep^{t}. wrote to Maj^{r}. Puthoff stating the circumstance and requested his interfereance for the dep^{t} liberation. Cap^{t}. Caldwell objected to the deponents corresponding with an enemy. But Cap^{t}. Berzie who interested himself in a very manly manner observed that he himself was as good a subject as his majesty had and that he had the honor of holding a captains commission in one of the corps rais,d during the late war but whenever he discover,d an individual ill used as he conceiv,d in the present case he would interfere; and accordingly did carry the note to Maj^{r}. Putoff with Cap^{t}. Caldwells consent tho. given reluctantly. The depon^{t}. was then carried to Col^{l}. James, the British Command^{t}. at Sandwich, made to stand in the entry with an orderly. he was then ordered to the back door when the Col^{l}. came out and told the orderly to lock that fellow in the cellar and then observed "I can tell by that damn,d yankee rascals countenance that he is an enemy to any british soldier or subject with that lock,d the deponent in a cellar almost full of water but did not keep him long there; order,d him out and sent him to the House of M^{r}. Patternsons* a Magistrate where he remain[e]d for some time in the office; when the whole of the Magistrates and other persons of note convened at Col^{l}. James^{s}, quarters where they sat with closed doors; whilst the court was sitting the Deponent was brought back to Col^{l}. James^{s}. quarters and made to stand on the porch during a cold light rain for about two hours when the door of the court room was occasionally left open. when this Deponent could evidently as it appear,d to him see the group sitting the one endeavouring to out do the other in relating palatable tales to Col^{l}. James to the disadvantage of the deponent and the american army (in this group there were a few exceptions) it then became dark when a strong guard took charge of the deponent; The Col^{l}. then came and address,d the dep^{t}. as follows. "Dont you know it is as much as I can do to prevent your life from being taken by the indians." The deponent replied that he was not surprised; that it was not the first innocent life they had taken; he answer,d "innocent? you that murder[e]d an indian at Delaware." The dep^{t}. told him That he never murdered an indian or white man but there was an Hostile indian kill,d in Jan^{y}. 1814 by a party of men under the depon^{ts} commanded while he was in the service of the united states. The dep^{t}. was then carried to a miserable guard house and denied by the orders a bed to lie upon; about 10 oclock at night, an officer named Wilson came in and abused the dep^{t}. by all the epithets of Yanke rascal etc. etc. that

*The magistrate referred to in the narrative was Richard Pattinson, not Patterson. (C. M. B.)

words could express. The Dep^{t}. continued that night in the guard room, the next morning Col^{l}. James gave him to understand through his orderly that an investigation would take place before the civil Magistrate, in consequence of which the deponent desired that he might be allow,d Council learn,d in the Law from Detroit; as He the Dep^{t}. had no confidence in any person on the Canada side which the Col^{l}. promis^{d}, he would allow; in about two hours afterwards the dep^{t}. was publickly marchd through the streets under guard to a blacksmiths shop and there fetter,d with rivetted handcuffs and marchd again to the guardhouse The Dep^{t}. was then privately inform,d that the intention was to send him to Yorke under a guard of twelve men an officer and fifteen indians, doubtless with the design to destroy him About dawn of day by the help of Providence the dep^{t}. made his escape into the woods where he lay three days and nights, a small piece of Bread and swamp water his only subsistence; during which time he was hunted by three or four hundred indians and all the british forces that could be raisd of this the dep^{t}. has since been informd by a British subject of much respectability and that Col^{l}. James Himself run down three horses the first day; and offer,d 500 Dollars out of his own pocket for the Depon^{t}. head dead or alive; Beside the Governments allowance

On the third night by the assistance of Heaven alone the deponent cross,d the Detroit river after suffering all but Death The principle reasons for this cruel treatment as the dep^{t}. is informed were that he was a scotchman by birth, Left his native country about five years of age, On landing at Philadelphia in the U. S.. independent of these took the necessary steps for naturalization according to Law. and Lastly his having rais,d a troop of Volunteers in the late war. After repeated applications, one of the deponents Friends was permited to carry him a matrass the night of his escape, but he was denyed all communication, even with his wife, and further this deponent saith not,

J. McDonell

Territory of Michigan—
District of Detroit)

I hereby certify that the foregoing Deposition was brought to my office; on this thirteenth day of June A D 1815, (fifteen,) and subscribed in my presence by said John McDonell who being solemnly sworn, deposeth and saith, that it contains the truth, the whole truth and nothing but the truth.—

Colo. McDougall
Justice of the Peace D D M

[Indorsement]
McDonnells narrative of his arrest by Col James

L. CASS TO THE SECRETARY OF WAR.

[Library of Congress—Schoolcraft Papers—1815.]

(Draft)

Detroit, July 22nd 1815

Sir

Your letter of May 25th[19] authorized me to destribute (sic) to the distressed Inhabitants on the River Raisin fifteen hundred dollars. Presuming that the expenditure of this sum was confined to the people there, because it was supposed that the principal scenes of misery and distress were there to be found, and having satisfactorily ascertained that the proportion of suffering and indigent persons was not greater nor the means of subsistence less easily obtained in that, than in the other parts of the Territory. I determined to render the bounty coextensive with the objects requiring it. In extending it to the people of the Territory, I consulted with the Catholic Rector[20] whose ecclesiastical Jurisdiction comprehended the whole country and whose character as well as office gives to his representations upon this subject great weight. To him I have committed the task of distribution and the accounts shall be forwarded as soon as practicable. Flour at the market price here was received from the public stores to the Amount of $1,500. It was supposed this would be the most eligible course, as a large quantity was on hand, which might otherwise have Injured.

Permit me Sir to state that the resources of this country are totally inadequate to support the number of indigent and helpless people in it. I am told by the Catholick priest that in the immediate vicinity of this small place there are not less than forty widows with families. They are in a state of actual want and unless the arm of the General Government is extended for their relief, their sufferings must be extreme. I suggest the prop[r]iety of permitting the widows with families and helpless persons to draw provisions from the publick stores untill the calamities occasioned by the events of the war are removed.

If in addition to this a moderate sum should be given to enable the small families to purchase wheat for the next seed time, I think the

[19]In the archives of the State Department at Lansing. President Madison, Feb. 26, 1814, sent a special message to congress, urging that provision be made for destitution in Michigan. *A. S. P. Milit. Affs.* I, 510. (J. S. F.)

[20]Father Gabriel Richard, prominent in Michigan history from his coming to Detroit in 1798, till his death in 1832. See biographical sketch, *Mich. Pion. and Hist. Colls.* I, 481-495. (J. S. F.)

Government would not again be troubled on this subject. But Sir the country is generally poor and war while the British were here appeared in its worst forms. It drained the country of its resources and made it a theatre of individual indigince [sic] and distress—

[Indorsement]

July 23. 1815

To the Sec^{y} of War.

EXTRACT OF THE RECORD, OF THE PARISH OF ST. ANTOINE OF RIVIERE AUX RAISINS, IN THE TERRITORY OF MICHIGAN.[21]

[Library of Congress—Schoolcraft Papers—1815-16.]

This day the seventeenth of December A. D. 1815 in a general meeting presided by the Rector undersigned, and Francis Lasselle having been duly elected Secretary of the said meeting it has been unanimously

Resolved by the inhabitants of riviere aux Raisins that they feel themselves deeply affected with a due sentiment of Gratitude towards the Government of the United States for the generous assistance it has given to them after the misfortunes brought by the late war, and that they freely concur in any resolution that has been or may be agreed by the inhabitants of Detroit and vicinity to testify their respectful acknowledgement to the President of the U. S. for their Benevolence towards the Citizens of the Territory of Michigan, manifested in the distribution of Provisions and seed wheat.—

Signed Gabriel Richard rector

Signed Francois Lasselle Secy.[22]

true copy G. Richard rector

EXTRACT OF THE RECORDS OF THE PARISH OF ST. ANNE* OF DETROIT.

This day the fourteenth of January A. D. 1816 at a general meeting of the inhabitants of the Parish of Ste. Anne of Detroit, presided by their Rector the undersigned Etienne Dubois having been duly elected Secretary of the said meeting, after a short ad[d]ress of the Rector upon the obligation that binds all good christians to be grateful towards their Benefactors, and after a recital of the numerous favors bestowed upon

[21] A. D. S. See preceding letter. (J. S. F.)

[22] Francois Laselle, brother of Jacques Laselle, and an influential resident of the Raisin settlement. Was member of the grand jury in 1809, and figured in the petition to the Territorial government of that year. He was accused of treasonable conduct in 1813, but apparently without foundation, for he was commissioned justice of the peace in 1816. He was active in political affairs. (J. S. F.)

*The original of this address is in French in the manuscript records of the Church of Ste. Anne, Detroit, Livre des Assemblees Paroisse Ste. Anne, pp. 57. 58.—C. M. B.

the inhabitants residing in the territory of Michigan by the Benevolent Government of the United States during the late war and since for the support of the distressed and especially in providing seed wheat to a great number of farmers who could not sow their fields, it was unanimously.

Resolved first that the Governor of the territory of Michigan, who is himself entitled to the gratitude of the Inhabitants, be respectfully requested on behalf of the said inhabitants of the said territory Michigan to express to the President of the U. S. the high sense they entertain of the innumerable favors received from the Bounty of the Government during his administration, and especially in procuring provisions and seed wheat to the poors (sic), in the said territory.

Resolved 2,ly. by the said inhabitants of Detroit and its vicinity that a copy of this Resolution shall be forwarded to the President of the U. S. as a token of their approbation and as a merited tribute of their acknowledgement of his truly paternal Benevolence and as a perpetual testimony of their attachment to a Government allways [sic] just and generous.

Signed Gabriel Richard rector

Signed Etienne Dubois Secy.[23]

a true copy.

Gabriel Richard rector.

WAR DEPARTMENT TO W. KNAGGS.[24]

[Smithsonian—Schoolcraft Papers—File Case A. No. 100.]

Whitmore Knaggs, Esqr)[25]

Detroit, Mich. Terr.) Washington, July 17, 1816.

Sir,

Your letter of the 1st. June, with two accounts against the government for two thousand three hundred ninety-nine dollars and seventy-six cents, was receiv'd two weeks since by a private conveyance, and the accounts immediately laid before the accountant of the War Department, who

[23]Served as assessor for Sargent township in 1802, and as constable in Detroit in 1818. *Mich. Pion. and Hist. Colls.* VIII, 539, 660. (J. S. F.)

[24]A. L. S. This was found among the Cass Papers and is inserted here inasmuch as it treats of subjects treated in the latter. (J. S. F.)

[25]Whitmore Knaggs (d. 1827) was one of the most picturesque and eccentric figures in early Territorial history. He was Asst. Supt. of Indian Affairs under Hull, and Sub Agent and Interpreter for Cass. He was a pioneer settler and trader in the Saginaw country. *Mich. Pion. and Hist. Colls.* I, 362. (J. S. F.) *For biography of Whitmore Knaggs see History of the Knaggs Family, Detroit, 1903.—C. M. B.

desired they might lie for examination.— Yesterday, on application for settlement, we were informed that the Secretary of War had postponed a decion [sic] until his return to the city, which will be some time in September.— It seems some doubts are entertained on the propriety of allowing pay or rations for certain services specified in the accts, and which could not have been performed while a prisoner of war with the enemy,[26] etc.

Respectfully,
Your obdt
A. and G. May.

[Indorsement]
War Dept July 17 1816
to
W Knaggs.
[Address]
Whitmore Knaggs, Esqr
Detroit,
Mich. Terr.

25

L. CASS TO THE SECRETARY OF WAR.

[Library of Congress—Schoolcraft Papers—1816.]

(Draft)

Detroit Dec. 14. 1816.

Sir,

I have been recently informed that Capt. Gardner[27] Asst. Dep^{y}. Q. Master Genl. for this Department is about to resign. Should this information prove correct permit me to recommend Capt James M^{c}Clossky[28] as a proper person for his successor.

This Gentleman during the whole period of the war was in the military service of his country. At it's commencement he was sent from this

[26] *Mich. Pioneer and Historical Collections*, XV, 302, 405. (J. S. F.)

[27] Benjamin Gardner was of Massachusetts origin, and served throughout the Revolution, retiring with the rank of captain. He reentered the army in 1813 as Asst. Dept. Quart. Gen., and resigned Oct. 19, 1816. (J. S. F.)

[28] James McCloskey resided in Detroit from about 1806, coming there from Maryland. He served as Asst. Dept. Quart. Genl. from June 24, 1813 to June 15, 1815, when he was honorably discharged. After the war he remained in Detroit, was Auditor of Pub. Accts. in 18817 and Supt. of the University buildings, and was Cashier of the Bank of Michigan from 1818 to 1825. At this time it was discovered that he had embezzled a large part of the bank's funds, and he was replaced by C. C. Trowbridge. *Mich. Pion. and Hist. Colls.* I, 345; IV, 401, 409; VII, 44; VIII, 563, 661; XII, 578, 580, 587, 645; XV, 660. (J. S. F.)

place upon a mission of great delicacy and danger, which he executed with equal skill and intrepidity.

After that he was appointed A. D. Q. M. General and continued to execute the duties of the office upon this frontier till last summer. A part of the time he was under my immediate command and during almost the whole of it within my personal observation. His real, industry and fidelity could not be surpassed, and I hesitate not to say, that he is the best Quarter Master I ever knew. By his indefatigable exertions the publick credit was sustained in this quarter at the darkest era of our political prospects.

He possesses one advantage peculiar to himself but highly important to such an officer upon this frontier. He is well acquainted with the Inhabitants and the Country and speaks the French language with great facility. Such a qualification ought not to be overlooked in a Country, where a great majority of the Inhabitants are of French descent and do not understand English.

This application is a voluntary tribute of mine to his worth and services. He knows nothing of it.

L. CASS TO THE SECRETARY OF WAR.

[December 14, 1816.]

Should it be successful, I shall feel highly gratified, for if indefatigable exertion strict honesty and all the necessary acquirements give a man some right to be heard, his claims yield to no one within the circle of my acquaintance.

With much respect Sir
I have the honour to be
Yo. mo. obt Servt.

The Hon. Secretary of War.

[Indorsement]

[December 14, 1816]

L. Cass to the Secretary of War.

L. CASS TO THE SECRETARY OF WAR.

[Library of Congress—Schoolcraft Papers—1817.]

(Draft)

Washington Feb^{y} 22^{d}. 1817

Sir,

I have been informed that the publick interest requires the appointment of a military Storekeeper at Detroit. If so permit me to recommend Maj. Henry B Brevoort* as a proper person to execute the duties of that office.[29] From early age he has been in the Army, and performed his duty in a manner to give general satisfaction. He commanded the Marines on board the Niagara in the memorable victory gained by the fleet under the command of Commodore Perry on lake Erie. His conduct there was deserving of every praise.

The disbandment of the Army has left him poor and destitute of employment. His early introduction and his constant attention to military pursuits have unfitted him for other business, and I think him one of the most meritorious officers, who now looks to his Country for employment.

Very respectfully Sir
I have the honour to be
yr. obt Servt

George Graham Esq
Acting Sec^{y} of War.

[Indorsement]
To the Sec^{y}. of War
Feby 22^{d}. 1817.

PETER HAGNER TO LEW. CASS.

[Smithsonian—Schoolcraft Papers—File Case A. No. 359.]

Dep of War
3rd. Auditor's Office
Feb. 25 1817

Sir

You doubtless recollect the issuing of a requisition as Commanding

*Items regarding the life of Commodore Henry B. Brevoort can be found in the various volumes of *Michigan Pioneer and Historical Collections*. See also, *Hamlin's Legends of Le Detroit*, 310. —C. M. B.

[29]See *note* 5. (J. S. F.)

General at Detroit on the Contractors Orr and Greely[30]* under date of the 5th. Nov 1814[31] for 500000 Rations. In the letter accompanying that Requisition you state to the Contractors a necessity for apprizing you of the quantity or parts thereof which it would be in their power to furnish, and not to undertake more than they could comply with. I speak from recollection not having the documents to refer to, they being before a Committee of Congress. The Contractors have contended that the letter accompanying the Requisition "was provisional and not absolute" and consequently that they are not chargeable with the purchases made by The United States in consequence of their not complying with it. As it is important that the subject should be distinctly and fairly understood both as it regards the Contractors as well as the public permit me to request from you an exposition of the intentions of the Requisition and accompanying letter and also any information you may be possessed of touching the responsibility of the Contractors in consequence of their non compliance therewith. It has been said at this office that prior to your agreeing to turn over the public Stores at Detroit to the Contractors, the principal in that Contract unequivocally admitted his accountability for the purchases made in consequence of his having failed to comply with the aforementioned requisition.

I have the honor to be
Very respectfully
Sir
Your Mo obd st.
Peter Hagner

His Excellency
Govr Cass.
Washington.
[Indorsement]
Feby. 25. 1817
Mr Hagner.

[30]A. L. S. Benjamin Grayson Orr and Aaron Greely of the firm, Orr and Greely, Washington, D. C., entered into a contract Mar. 10, 1813 to Supply the Northwestern Army in the eighth district and Canada from June 1, 1813 to June 1, 1814. Certain failures on their part led to charges of unfair treatment of them by Gen. Harrison. The latter demanded a general investigation, which exonerated him from misconduct. *A. S. P. Milit. Affs.* I, 644-650. (J. S. F.)

*Greely was one of the first prisoners of war taken by the British in 1812. He was a surveyor at Detroit and was on his way to that place with Hull's army. He took passage on the Cuyahoga from the Maumee to Detroit. The boat passed up the river unprotected as it was not known that war had been declared. The British captured it opposite Malden.—C. M. B.

[31]An obvious error. It stands correct, *1813* in Cass's reply, Mar. 14, 1817. (J. S. F.)

L. CASS TO PETER HAGNER.

[Library of Congress—Schoolcraft Papers—1817.]

(Draft)

Washington March 14. 1817

Sir,

In answer to your letter of the 25th ulto.[34] I have to observe the circumstances attendant upon the requisition made by me as Commanding General at Detroit in 1813 upon the Contractors Orr and Greely are fresh in my recollection. When we reoccupied that Country, we found found [sic] it destitute of all resources of provisions, and instead of deriving supplies from it, we were compelled to feed a considerable proportion of its population.

When Genl. Harrison with the principal part of the regular force, which had been employed upon that frontier sailed down the lake, he left me in command but with a very scanty supply of provisions. After taking a few days to ascertain the quantity of provisions we could procure from Fort Meigs and Sandusky, the requisition above alluded to was made upon Mr Orr then at Cleveland. The contract gave the Contractors thirty days, within which to furnish their supplies, and as there was no breach of the contract till the expiration of the time, so no purchase could in the meantime be made by any Agent of the United States. under an expectation of rendering the Contractors responsible for it. To have waited one month with a view to ascertain the ultimate issue of the requisition, and in the event of a failure to have been compelled to despatch Agents to the Interior of Ohio to procure provisions would have been equivalent to a dissolution of the force and an abandonment of the Country. Under these circumstances I determined to require of Mess. Orr and Greely the quantity wanted by a formal requisition, and at the same time I wrote to Colo. Orr a letter in which I stated the situation of the Country and of the troops, and requested him, as thirty days were all important to us, to make an immediate determination and I think I added "undertake to do no more than you can do." The Agent bearing this letter was instructed if Mr Orr undertook to supply the provision to return, and if not to proceed to Urbana with orders to the purchasing commissary to procure and forward the quantity required.

[34] Given above.

I understand the Contractors now say that this requisition left to their option the quantity and description of provisions they would furnish. This subject deserves some consideration.

I take it for granted that no man of common sense could have misunderstood the object of the letter which accompanied the requisition. It must appear sufficiently obvious to every one, that this object was to prevent the loss of thirty precious days and that we might not be mocked with a hope of relief and ultimately disappointed. This obvious interpretation could not have escaped a man of Mr Orr's sagacity, when to these considerations is added an intimate knowledge of our wants and of the state of the Country and the advantage of a personal conference with the Agent, who was in full possession of my views and wishes.

Mr Orr's claim therefore to be relieved from the consequences of this requisition and purchase must rest upon the strict construction of his contract and upon the law applied to it. He will scarcely contend that he has any equity with him. I am strongly inclined to think, that if a commanding Officer make a requisition under a contract he is then functus officio, and cannot by any other order vary it. He has on the part of the United States taken that incipient step which is required and the duty on the part of the Contractors then commences.

Leaving this question however undecided what is the effect of the expression, "undertake to do no more than you can do" upon the requisition? It is a direction to the Contractors to measure their attempts by their means and if they cannot comply with the requisition, not to undertake it. It places them in a situation neither better nor worse than it found them. It is does not direct them the steps they shall take, because were they to undertake more than they could do it is evident they would not do it. If therefore they undertake to comply with the requisition and do not because they cannot, it is the state of things against which they are cautioned. If they undertake and do not, because they will not comply, the letter accompanying the requisition does not bear upon the case. If they do not undertake, they must shew that if they had undertaken compliance was impossible. This most obvious consideration has certainly been overlooked. Mr Orr claims to be exempted from the pecuniary responsibility of a requisition, because a letter accompanying it advises him "not to undertake to do more than he could do." Before this claim of exemption can be allowed it is fully incumbent on him to shew that in point of fact he is within the direction. To shew if he had undertaken to comply with the requisition in question that compliance would have been impracticable. This impracticability must have con-

sisted either in the purchase or transportation. Has Mr Orr ever shewn or can he now shew that the application of no means would have procured and forwarded these provisions? And until this is shewn nothing can be more evident, than that upon his ground he does not come within the exemption, unless the declaration of a Contractor is to supersede the necessity of any other kind of proof. It is a physical impossibility of which I speake and not the difficulty of purchase and transportation because provisions were dear and the roads bad.

Cattle and hogs could at that time be driven from Ohio to Detroit and afford a profit to the Contractors. Flour was the heavy article and upon this there must have been a loss. Could it for a moment have been supposed that I intended to permit the Contractors to furnish supplies of that part of the ration which was advantageous, leaving to the United States the task of furnishing what it was unprofitable to furnish. Such would be the construction applied to the contract and this is fortified by the subsequent declarations of Mr Orr. On his arrival at Detroit, it had been intimated to me that this ground would be taken in the ultimate settlement of his accounts. He applied to me to have the provisions delivered to him. At the interviews which succeeded this application in the presence of M^{r} Oliver the purchasing Commissary and before the provisions were delivered to him Col^{o}. Orr explicitly stated that he considered himself responsible for that requisition and would make his appeal to the mercy of the Government. Upon this declaration the provisions were delivered and the War Department was immediately informed of the transfer and of the situation in which Col^{o} Orr acknowledged himself to be placed.

I am Sir very respectfully

Yo. obt Servt

Peter Hagner Esq
3^{d} Auditor of the Treas^{y}. Dept.
March 14. 1817
To M^{r} Hagner.
[Indorsement]
Peter Hagner Esq

L. CASS TO THE SECRETARY OF STATE.

[Library of Congress—Schoolcraft Papers—1817.]

(Draft)

Washington Feb^{y}. 26th. 1817

Sir.

The bill pending before Congress for the admission of the western portion of the Mississippi Territory into the Union and for the establishment of a new Territorial Government has reached that stage which renders its result nearly certain.[32]

Permit me therefore to recommend to your consideration Col^{o}. Anthony Butler[33] as a Gentleman every way qualified to discharge the duties of Governor of the proposed Territory in a manner honourable to himself, and highly satisfactory to the people of the Territory and the Government of the Union. I owe my acquaintance with Col^{o}. Butler to the events of the war in the North west. Twice during the most critical periods of that war he commanded at Detroit, and he commanded in such a manner as to give universal confidence to the people of a defenceless and exposed frontier. In all the essential requisites of an officer, I consider him fully equal to any, of the numerous band of able men, who during the recent war supported with such ability the standard of their Country.

As a civil officer, his strength of judgment, splendid acquirements and accomplished manners eminently qualify him for the office, which his friends are so desirous to see him fill.

[Indorsement]

Feby. 26. 1817

To the Sec^{y} of State

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[32]The western portion of Mississippi territory was authorized, to form a constitution, Mar. 1, 1817, and the eastern portion was organized as Alabama territory, Mar. 3, 18817. (J. S. F.)

[33]A native of Kentucky; entered the service in 1813 as lieutenant colonel of the 28th Regt. He became colonel of the 2nd Rifle Regt. in Feb. 1814, and was honorably discharged June 15, 1815. He did not receive the appointment solicited. (J. S. F.)

PETER HAGNER TO L. CASS.[85]

[Smithsonian—Schoolcraft Papers—File Case A. No. 358.]

Treasury Department
3d. Auditors office
May 10th. 1817

Sir

Frequent applications are made at this office for information as to the amount received by Capt Audrain for the men of his late Company of Rangers, and it is represented that he denies having received at the rate, and to the extent of the services actually rendered by them It is deemed proper to apprize your Excellency for the information of those concerned, that Capt Audrain received the sum of 25658 85/100 being the balance due his late Company of Rangers for the whole of their services from the commencement to the termination thereof, at the rate of one dollar per day, deducting therefrom the Rations and Clothing received by each Individual

I have the honor to be
Very respectfully
Your mo obd St
Peter Hagner Audr

His Excellency
Gov. Lewis Cass
Detroit

[Indorsement]
Mr Hagner
May 10. 1817.
[Address]

Treasury Depmt
3d Auditor's office
P. Hagner
Free

His Excellency
Govr. Lewis Cass
Detroit

[85]See *Mich. Pion. His. Colls.* Vol. VIII, p. 654. (C. M. B.)

WILLIAM LEE TO L. CASS.[36]

[Smithsonian—Schoolcraft Papers—File Case A. No. 357.]

Treasury Department
2d Auditors Office
June 12. 1817

Sir

I have to acknowledge the receipt of your Excellency's letter of the 24th. ulto. and agreeably to your request I do myself the honor of inclosing a copy of your account as settled at this office the 3d of March last—

I am Sir very respy
Your obedt Servt
Wm Lee

His Excely Gov. L. Cass
Detroit

[Indorsement]
June 12. 1817
2d. Auditor of the Treasury.

L. CASS TO PETER HAGNER.

[Library of Congress—Schoolcraft Papers—1817.]

(Draft)

Detroit June 20th 1817

Sir,

In conformity with instructions from the Secretary of War of the 12th ulto. I am preparing to collect and transmit to your office all claims in this Territory upon the Quarter Master's Department, which were due prior to the 1st of June 1815, and which remain unpaid.

The Secretary has informed me that as soon as these claims have been compared with the accounts of the Quarter Masters and found correct, their amount shall be remitted here for payment.

As the original vouchers are to be transmitted to you, and as funds are not to be provided, till these vouchers are examined it is desirable that the vouchers should be perfect, and that the payments should then

[36]A. L. S.

be made without raising any farther accounts upon the books of the Treasury. I will therefore thank you to inform me, whether it would not be expedient that a receipt from the party should accompany the voucher, and if so in whose name this receipt shall be taken.

There will be no difficulty, when the voucher is received, in procuring from the party a receipt, by giving him a certificate of the fact, to be taken up when the money is paid.

Certificates from Quarter Masters will I presume require no farther evidence, but when no certificate has been given and when there is no voucher in the possession of the persons, it will be necessary that I should know distinctly what kind of evidence must accompany the account.

Very respectfully Sir
I have the honour to be
yo. obt servt

Peter Hagner Esq
3d Auditor of the Treasy.

[Indorsement]
June 20th. 1817,
P. Hagner 3d auditor

L. CASS TO PETER HAGNER.

[Library of Congress—Schoolcraft Papers—1817.]

(Draft)

Detroit Oct. 9th. 1817

Sir,

Accompanying this I have the honour to transmit to you four claims against the Quarter Master's Department, which have been received and forwarded under instructions from the Secretary of War of May 12th. 1817 I transmit also a copy of the Secretary's letter, that you may see the expectation held out of payment being made here, and that the plan of appointing an Attorney by the parties to draw the money at Washington is inconsistent with the whole plan adopted by the Secretary.

In fact it would be of little importance to the Government or to individuals, to appoint a person to collect these vouchers upon the spot, if the parties must eventually be at the risk and expense of appointing an Attorney at Washington to receive and remit the money.

It will save much time and trouble here and probably at your office, if on sending back a voucher for amendment you would specify par-

ticularly the defects and the necessary alteration. These accounts will in pursuance of the Secretary's directions be transmitted to you monthly.

Very respectfully Sir

I have the honour to be

yo. obt Servt

Peter Hagner Esq

3d Auditor of the Treasury Department

Washington City

[Indorsement]

Octr. 9. 1817.

To the 3d Auditor of the treasury dept concerning Q. M. claims

L. CASS TO SECRETARY OF WAR GRAHAM.

[Library of Congress—Schoolcraft Papers—1817.]

(Draft)

Detroit Dec. 5th 1817

Sir,

I take the liberty of recommending Dr Delavan[37]* Post surgeon at this post, as a proper person to be appointed Hospital surgeon,[38] should there be a vacancy in that branch of the staff of the Army.

He is a Gentleman for whom I have a warm regard, whose professional skill and acquirements would enable him to discharge with honour any duty in the medical branch of the Army, and whose manners and deportment would conciliate the esteem of all his acquaintances in any station of life. I will thank you, for a reason, which I trust the President will

[37]Benjamin Delavan (or De Lavan) was a New Yorker by birth, and was appointed from New Jersey. He was surgeon's mate 16 Inf., 15 Apr. 1814; honorably discharged, June 15, 1815; reinstated, 17 May, 1815 as hospital surgeon's mate; post surgeon, 18 Apr. 1818; assistant surgeon, June 1, 1821; Maj. surgeon, 27 Jan., 1823. He died in 1827. (J. S. F.)

*Dr. Benjamin Delavan was a surgeon and physician in the army stationed at Detroit. At one time he was quite popular but subsequently he was accused by some of his patients, of giving away family secrets entrusted to his keeping. He acted as surgeon at the duel between Otis Fisher and John Farley, which took place at Sandwich, in Canada opposite Detroit, in which Otis was killed. Delavan was indicted in Detroit by the grand jury but escaped because the duel took place in Canada.—(C. M. B.)

[38]The medical staff of the army was reorganized by Act of Congress, Apr. 24, 1815. (J. S. F.)

recognize and approve, if you will submit to his personal examination, the letters, which may be received at the War Department upon this subject.

With much respect Sir
I have the honour to be
yo. obt Servt

Hon. George Graham
Acting Secy of War.
[Indorsement]
Decr 5. 1817
To Hon G Graham
Actg Secty of War.

L. CASS TO HENRY BALDWIN.[39]

[Library of Congress—Schoolcraft Papers—1817.]

(Draft)

Detroit Decr. 5. 1817.

Dear Sir,

I trust you will excuse me for troubling you on subjects connected with the interests of this Territory, as we have no representative in Congress, and as a measure will probably be proposed at this session, which will be deeply important to us.

You are aware that the Old ordinance of Congress, for the Government of the North Western Territory provided that there should be three states in that Territory, and reserved to Congress the right of adding one or two to the number, The 5. article of the Articles of compact, which is Declared to be unalterable, except by mutual consent, defines the boundaries of the states and Territories and provides that this Territory shall be bounded on the South by a line, to be drawn due East from the Southern extremity of Lake Michigan to Lake Erie. This is also the provision of the act of Congress in 1805 for the Establishment of this Territory.

The Convention of Ohio in their constitution[40] made to the United

[39]Henry Baldwin was at this time a Member of Congress from western Pennsylvania. He served from 1817 till 1822, when he resigned to become Justice of the U. S. Supreme Court. He occupied this position till his death in 1844. (J. S. F.)

[40]See Ohio *Const. of 1802., Art. VII, Sec. 6.* The Convention was induced to take this action by an opinion advanced by a hunter that the Ordinance line would fall south of Lake Erie. The Constitution was never submitted to the people nor was Ohio ever formally admitted, but Congress by an Act of February 19, 1803, declared that by the formation of a constitution it had become one of the United States. Thwaites, *How George Rogers Clark Won the Northwest, and Other Essays.* pp. 84-86. Macoun, *Historical Geography of the United States.* pp. 32, 33. (J. S. F.)

States, a proposition, that if a due East line from the Southern extremity of Lake Michigan would pass South of the Mouth of the River Miami of Lake Erie, the boundary line between this Territory and the State of Ohio should be a direct line drawn from the Southern extremity of Lake Michigan to the North cape of the Miami bay. This proposition has never been acceded to by Congress, and if the solemn pledge given in the Article of compact is to be preserved, it never can be. When the State of Indiana was admitted into the Union, her northern boundary was extended ten miles into this Territory.[41] But I am perfectly convinced that not one member of Congress in ten was aware of the existence of the articles of compact or of the palpable breach of national faith which must follow from any alteration of them. When we can be heard in the Legislature of the Union by our own representation, this subject must come up for revision, and I have no doubt for alteration.

But even were there no anterior provision by which this question must be determined, and were Congress now called upon to partition the Country North of Ohio into Territorial Governments, with a view to their eventual admission into the Union as independent States, no sound reason can be given why the boundaries of Ohio or Indiana should extend farther North than they were fixed by the Old ordinance of Congress. In fact this Territory would with our present knowledge of the Country have its Southern boundary carried still farther South, Its soil and climate will not invite a population to it as soon as those of Ohio and Indiana, Its geographical extent is inferior to either of those States and its quantity of waste land greater than that of both.[42] Why then should strength be added to the strong and the weak rendered still weaker, Why should the period of our admission to the Union be postponed to add Territorial extent and consequent population to States which are already large and will soon be among the most populous in the Nation. No reasons to be drawn from any maxims of policy applicable to our frame of Government can be given in favour of such a measure. And certainly none to be drawn from the nature of the Country or the convenience of its present or future inhabitants can be offered. The whole tract comprehended within the boundaries prescribed by the Ordinance is emphatically a Lake Country. Their avenues of communication with the Ocean, their production and wants, and their means of exporting the former

[41]This was to give Indiana a frontage on Lake Michigan. Similarly, when Illinois was admitted in 1818, her northern boundary was fixed almost a degree north of the Ordinance line. Macoun, *op. cit.* p. 34. (J. S. F.)

[42]This opinion of Gov. Cass would seem to indicate that he shared to some extent the opinion expressed by Surveyor General Tiffin in his famous report of 1816 on Michigan bounty lands. (J. S. F.)

and of procuring supplies for the latter are the same. The country upon the Miami is by nature connected with this. There is a perfect identity of interest. The people who will hereafter inhabit it will be within Sixty and Seventy miles of us. No sound reason can be given for sending them two hundred miles through a wet Country to the seat of Government,[43] rather than permit them to come here, where the great depot of the Country must be. But I will detain you no longer with any observations upon this branch of the subject, but will proceed to state why I now trouble you.

Some time this season a line was run purporting to be the line between this Territory and the State of Ohio. It was run by virtue of an act of Congress passed three years since which directs the line to be run, and appropriates five dollars a mile for the payment of the expenses.[44]

This of course should have been run from the Southern extremity of Lake Michigan due East to Lake Erie. But I believe there is little doubt of its having been run from the Southern Extremity of Lake Michigan to the North Cape of Miami Bay, agre[e]ably to the proposition in the constitution of Ohio, and in the very teeth of the laws of the United States.[45] My information however is not sufficiently good to warrant the positive assertion of the fact, and I have therefore written to E. Tiffin[46] to ascertain how the line was run, and why and by whose orders it was run as reported if report has been correct, As soon as his answer is received, the Government of the Territory will transmit a memorial to Congress requesting to to have the line run if it has not been done, and to have run correctly, if it has been run on a course variant from that prescribed by the Acts of Congress, One other object of our memorial will be to request, that the proposition in the Constitution of Ohio may not be acceded to,

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[43]Chillicothe was then capital of Ohio. Between this and the disputed tract stretched the Black Swamp. (J. S. F.)

[44]This act was passed in 1812 in consequence of an effort to obtain approval of the Proviso line. The law, however, provided for the survey of the Ordinance line, and five years passed before the survey was ordered by Monroe. (J. S. F.)

[45]Cass's fears were realized. William Harris in obedience to the orders of the Surveyor General, surveyed and marked, not the Ordinance line, but the line of the proviso, from that time known as the "Harris line." In response to a memorial from the Governor and Judges of the Territory, the President caused the Ordinance line to be surveyed shortly afterward. This was known as the "Fulton line." Between these two lines lay the disputed territory. Senate Docs. No. 6, 24th Congress, 1st Sess. Vol. I. For a full account of the boundary controversy see Annah M. Soule, Michigan Political Science Assoc. Vol. II, No. 2; found also in *Mich. Pion. His. Colls.*, Vol. XXVII; for shorter accounts, Cutcheon, *Michigan as Province, Territory and State*, II 288-295; McMaster, *Hist. of U. S.* VI, 243-249. (J. S. F.)

[46]Surveyor General at this time. He had been President of the Constitutional Convention of 1802; also, first governor of Ohio. (J. S. F.)

My reason for troubling you at this time is lest this subject should be brought up before we receive an answer from the Surveyor General and are thereby enabled to frame and transmit our memorial and that it may not pass without due consideration.

I hope you will excuse the trouble I give you.

With much esteem
I am Dear Sir
yo. obt. Servt.

Hon Henri Baldwin

[Indorsement]
Decr. 5, 1817.
To,
H. Baldwin

L. CASS TO PETER HAGNER.

[Library of Congress—Schoolcraft Papers—1818.]

(Draft)

Detroit Feby 11th. 1818.

Sir,

Mr Conant[47] takes with him from here a considerable number of claims against the Quarter Masters Department. Whatever may be the legal or official objections to their payment, I am certain they have been honourably acquired and fully and satisfactorily paid for.

Very respectfully Sir
I have the honour to be
yo obt Servt.

Peter Hagner Esq
3d Auditor of the Treasy Dept.

[Indorsement]
Feby 11. 1818
To
P. Hagner Esqr.
3d auditor

[47]Shubael Conant, one of Detroit's Earliest American merchants, and at this time member of the firm, Emerson, Mack, and Conant. In the scarcity of specie these claims were frequently used as money. (J. S. F.)

L. CASS TO PETER HAGNER.

[Library of Congress—Schoolcraft Papers—1818.]

Detroit May 21. 1818

Sir,

If the accounts against the quartermaster's Department taken on by Mr Conant shall have been examined and adjusted at your office, previous to the departure of John S. Langham Esq from Washington, I would suggest the property of transmitting by him the amount, which may be found upon them— This arrangement, as I am informed by Mr Conant, will be very acceptable to him, and Mr Langham's receipt for the money shall be as good against me, as my own.

Very respectfully Sir
I have the honour to be
yo obt Servt.

Peter Hagner Esq
[sic] 5th Auditor[48] of the Treasury.
[Indorsement]
May 21. 1818
To Peter Hagner
[sic] 5th. Auditor of the Treasy

L. CASS TO SECRETARY OF WAR.

[Library of Congress—Schoolcraft Papers—1818.]

Detroit June 19. 1818

Sir,

I am informed, that the late change in the Staff of the Army[49] had caused Dr Crow[50] Hospital Surgeon's mate at Michillimackinac to be left out of service. I deeply regret this change, and feel extremely anxious for his appointment under the recent of act of Congress.

I have known him personally almost since the commencement of the late war. He is zealous, intelligent and active. He participated in the

[48] An error. Peter Hagner was Third Auditor.
[49] See Act of Congress Apr. 14, 1818. (J. S. F.)
[50] Albion T. Crow was a native of Md.; appointed July 1, 1816; honorably discharged Apr. 14, 1818. He removed to Illinois, and at the time of the Mexican War, commanded a company of volunteers. He died in 1851. (J. S. F.)

difficulties and hardships of the different campaigns upon this frontier with reputation. I cannot but hope it may be found convenient to continue him in service

Very respectfully Sir
I have the honour to be
yo. obt Servt

Hon. J. C. Calhoun
Secy of War.
[Indorsement]
June 19. 1818
To
J. C. Calhoun

L. CASS TO PETER HAGNER.

[Library of Congress—Schoolcraft Papers—1818.]

(Draft)

Detroit June 19. 1818

Sir,

I have the honour to acknowledge the receipt of the draft of the Treasurer of the United States No. 2012 on the Bank of the United States payable at the Branch Bank New York for one thousand dollars the amount of warrant No. 2011 issued by the Secretary of War.

Very respectfully Sir
I have the honour to
yo. obt Servt

Peter Hagner Esq
3. Auditor of the Treasury.
[Indorsement]
June 19. 1818
To
P. Hagner

L. CASS TO P. HAGNER.

[Library of Congress—Schoolcraft Papers—1818.]

(Draft)

Detroit Augt 6th. 1818

Sir.

The claims against the United States for forage purchased by the officers of the Quarter Master's Department and applied to the use of the ranger's stationed upon this frontier are in the hands of so many, who are unable to lose them, that I am induced to request you to reconsider your opinion upon this subject, in the confident expectation, that the result of such reconsideration will be a decision that these claims shall be paid.

The right of the Quarter Master to purchase forage will not, I presume, be questioned. When the transaction is bona fide between him and the seller, and when he is authorized to make the purchase the obligation upon the United States to pay appears to follow as a necessary corollary. That the purchases of this description in this quarter were made with good faith, and that there was no collusion to give a colour of impropriety to the business are facts, which have not been and which I presume will not be questioned. "The authority of the Quarter Master to purchase forage is as little liable to doubt. This authority resulted necessarily from the nature of his duties and from the general provisions of the laws. The evidence of its admission will be found in your office. The accounts of the Quarter Masters for the purchase of forage have been allowed in other cases, and those officers, I presume charged with the amount and credited by the returns or other proper vouchers they produce. Had the Quarter Master, at the time these purchases were made, been in the possession of funds, he would have received the forage paid the parties and taken the proper vouchers As he was destitute of funds, his purchas[es] were necessarily made upon the credit of the United States, and I cannot see how this circumstance can alter the nature of the transaction, or render the United States less responsible for the payment of these demands;

It being certain then, that the Quarter Master was authorized to purchase forage and to disburse the publick [sic] money, if any, in his hands, in payment, or for want of funds to pledge the publick faith, the only question for decision is whether the eventual application of this forage destroys the claim, which the sellers had for payment.

If the forage thus purchased had been applied to the support of the publick horses or Oxen, or had been drawn upon regular returns by officers or soldiers entitled to it, or had been applied as it was applied to the use of the rangers, and the amount deducted from their pay, the parties would long since have been satisfied. But the principle, upon which payment is withheld must be that that the application of this forage by the Quarter Master destroys the claim, which the parties interested in this question originally had.

Such a principle, I presume, can scarcely stand the test of examination. After an article has been purchased by the United States and delivered to their authorized Agent, all control over it on the part of the seller ceases. Its subsequent application is a question in which he has no concern. Whether it is captured, by the enemy, stolen by individuals, issued in conformity with the law or misapplied by the persons having charge of it, the loss, if any there be, must be the loss of the United States. The property is theirs, the possession theirs, and theirs must be the risk. If the final application to the uses for which it is designed, be the criterion by which the responsibility of the United States is to be determined, or the claims of the parties adjudged, it follows, that if property be purchased for the publick, and payment made and that property finally misapplied, the United States have a right to recover from the party the amount, which may have been paid. For I can see no difference in principle between immediate payment and a promise to pay, if the officer purchasing be acting within the scope of his authority, nor any more right to refuse the latter, than there would be to demand a return of the former, where the circumstances of the case are in other respects similar.

But these purchases are yet stronger in favour of the parties claiming payment. It is not contended, that the Quarter Master had no right to purchase, nor that the consumption of this forage by the rangers was illegal, but that because the rangers have been paid the whole amount of their compensation by the United States without any deduction on account of this forage, therefore the person who sold must lose it.

Although the United States are not responsible in a Court of justice, and we are bound to presume it is correct, that they should not be so, yet the same unvarying principles should guide all the decisions to be made in cases when demands are produced against them, which they claim to have enforced, when they themselves are the Plaintiff. The rules of evidence and the course of decision should be the same in publick as in private cases, nor can any difference be admitted, without the substitution

of an arbitrary discretion, for those principles which have been settled by a long series of decisions, and which are at once the security of the Government and the citizen.

It appears to be very clear, that if the United States have paid these rangers the full amount of their compensation, without any deduction and any loss is to be suffered by such payment, it should be met by the United States, and not by a third party. Particularly as that party had no concern with nor controul over such payment. If a deduction should have been made from this compensation, equal to the value of the forage consumed by the rangers, it could only be made by the officers paying them and if the data necessary to enable those officers to make this deduction were not to be had, it was not owing to the neglect, nor should it be to the injury of the persons transmitting those claims.

If on a full review of the subject, you should yet continue to think, that the application of this forage, and the final settlement at the Treasury with those by whom it was consumed, without any deduction—for such consumption is a complete bar to the claim of those who delivered it to the United States, I must request, that you would submit the case to the Second Comptroller for his final decision. If that be adverse, there remains only to the claimants to make the usual application by petition to Congress for redress.

There is one other subject important to the people of this Territory respecting which I must trouble you with some observations. This relates to the due bills given by the Quarter Masters for work performed or materials furnished for the United States. There are many given by Capt. McClossky in this situation, and great inconvenience is experienced in this community by the delay of payment. The United States have received full consideration and the parties who performed the work or furnished the materials have received nothing. These due bills are yet outstanding and I understand they are not paid to the parties holding them because they are charged in Capt. McClossky's accounts, nor to the latter because an account was not made out and receipted at the time they were given. Unless some decisive step is taken this state of things may always continue, and payment be indefinitely procrastinated. Capt. McClossky has been an honest, faithful and zealous officer. I want no [other] proof of it than that he has always been prudent and economical, and is now destitute of any property. His long residence in Washington, in the vain attempt to settle his accounts, consumed all that his industry had acquired, and he will not return there again.

Permit me to suggest the propriety of transmitting his accounts here for settlement, or at all events such of them as relate to these due bills. Whatever may be paid on that account will be faithfully applied, and it cannot for the sake of the poor people interested in these due bills be paid and applied too soon. The amount is not important in itself. It becomes so in consequence of the poverty of those to whom it is due. Many of these claims have already been transferred at a considerable discount, because the claimants are unable to wait,[51] and many more will follow the same fate and at a still greater sacrifice, unless some arrangement can be made to pay them. If you could transmit Capt. McClossky's accounts to me together with dicrections in what manner they should be adjusted, I apprehend little difficulty would be experienced in their adjustment, and at all events none, which might not be removed by application to you. In a short time, and I trust in the course of a few references to your offices, the business might be placed in such a train, as to justify the payment of many of these due bills. Nothing at all events can be lost by making the experiment, and I am fully satisfied that Capt. McClossky is at all times ready to enter upon this examination, and if I know any thing of him, his character, conduct or situation, it will eventually be found, that he has been a faithful and vigilant officer, and that he is an honest and honourable man.

Very respectfully, Sir
I have the honour to be
Peter Hagner Esq Yo. obt Servt.
3d Auditor of the Treasury.

[Indorsement]
6th Augt. 1818.
To
P. Hagner Esqr.

L. CASS TO J. C. CALHOUN.

[Library of Congress—Schoolcraft Papers—1818.]

(Private)

Sir, Detroit Octr. 16. 1818

I understand, that an order has been recently issued, prohibiting Surgeons in the Army from engaging in any private practise, unless authorized so to do by the Secretary of War.

To procure this permission in a particular case is my object for troubling you at this time.

[51] Cf. *supra*, Cass to Hagner, Feb. 11, 1818. (J. S. F.)

Dr. Delavan[52] a post Surgeon in the army, stationed here, has professionally attended a number of families in this Town, by whom his services and talents have been highly appreciated, and to whom he has been singularly useful. His benevolent exertions have been in all cases gratuitious, and I feel anxious that they should be continued.

I can state with confidence that his publick duties are rigidly fulfilled, nor is any private call permitted to interfere with them. The principle of practising without fees among the Citizens will prevent any improper extension of this branch of his business.

I need say nothing of the value of a good Physician to a family nor of the natural regret, which would be felt at losing him. Dr. Delavan is willing to continue his private practise, if your permission for that purpose can be obtained. If on reflecting upon the subject, you should think that acceding to this request would not interfere with the public interest, I should feel greatly obliged by the necessary permission being granted to Dr. Delavan.

Very Respectfully, Sir,
I have the honour to be
Yo. mo. obt. Servt.

Hon.
John C. Calhoun)
Secy. of War)

[Indorsement]
Octr. 16. 1818
To the,
Secretary of War

L. CASS TO J. C. CALHOUN.

[Library of Congress—Schoolcraft Papers—1818.]

(Draft)

Sir, Detroit Dec. 7. 1818

The bearer of this letter, Dr. Delavan[53] is a Gentleman, with whom I am intimately acquainted, and in whose personal success, I feel deeply interested.

He is at present in the Army, but wishes to exchange that situation for some civil appointment.

Should any vacancy occur, which from it's local position and the nature of the office he would be inclined to accept, I can safely recommend him

[52] Cf. *supra*, L. Cass to Sect. of War, Dec. 5, 1817. (J. S. F.)
[53] Cf. *supra*, L. Cass to Sect. of War, Oct. 16, 1818. (J. S. F.)

to you, as deserving the patronage of the Government. I know him well, and can pledge myself for his integrity and intelligence.

Very respectfully, Sir
I have the honour to
yo. obt Servt

Hon. John C. Calhoun
Secy of War.

[Indorsement]
Decr. 7. 1818
To
Hon. Secy. of War

L. CASS TO SECRETARY OF NAVY.

[Library of Congress—Schoolcraft Papers—1819.]

(Draft)

Detroit April 16th. 1819

Sir,

I beg leave to recommend to you Mr. James B. Witherell[54] of this place as a proper person to be appointed a Midshipman in the Navy.

He is a young Gentleman of fine promise and of very correct deportment, the son of one of the Judges of the Supreme Court of this Territory, and gives every indication of his ability to make a valuable and respectable Officer.

There is in the Navy no Officer from this Territory, and I trust it is not asking too much even in a local view of the subject to request, that one Midshipman may be assigned to us.

Very respectfully, Sir,
I have the honour to be
Yo. obt Servt

Hon. Smith Thompson
Secretary of the Navy.

[Indorsement]
April 16. 1819
To
S. Thompson—

[54]James Bolivar (Bonaparte*) Witherell, son of Judge James Witherell, was commissioned midshipman, May 10, 1820 and was for some time thereafter stationed at the navy yard, Washington, D. C. In 1823 he died of yellow fever on board the U. S. Ship, Peacock, during a passage from Havana to Hampton Roads. He was a young man of great promise, and his death inspired a poetical tribute in the National Intelligencer, republished in *Mich. Pion. and Hist Colls.* IV, 110; *A. S. P. Naval Affs.* I, 708. (J. S. F.)

*Bolivar, not Bonaparte. C. M. B.

L. CASS TO SECRETARY OF WAR.

[Library of Congress—Schoolcraft Papers—1819.]

(Draft)

Sir, Detroit May 21. 1819

Accompanying this I have the honour to transmit to you copies of two letters recently received by me. Any comments by me in relation to them must be unnecessary.

Very respectfully, Sir,
I have the honour to be
Yo. obt servt

Hon. John C. Calhoun
Secy of War.

[Indorsement]
May 21. 1819
To the
Secy. of War

REPORT OF THE COMMISSIONERS RESPECTING THE BOUNDARY OF ST. CLAIR.[55]

[Library of Congress—Schoolcraft Papers—1819.]

[Aug. 30, 1819]

The undersigned having by your Excellencys commission bearing date July 18, 1819, been directed to examine such parts of the county of Macomb[56]; as are refer[r]ed to by "a petition of a part of its citizens: with reference to a new county being set off—and also to report upon such place as they should think most eligable [sic] for the seat of justice should a new county be thought advisable," have the honour to report as follows.—

That it appears to your commissioners, that a portion of the citizens of Macomb county, under its present organization are subject to very great difficulties; being seperated from the seat of public business by a Morass at some seasons impenetrable, and the distance being so greate that in those the most favourable, it requires three days to preform [sic] the journey out and home; without any time being allowed for the transaction of business, it is also represented unto them that from the settlement in the county as it now is being in three distinct and opposite dis-

[55] A. D. S.

[56] The County of Macomb had been organized Jan. 15, 1818, being third in order of establishment. It was designed to provide for the needs of settlers about Lake St Clair and the Clinton River (then Huron), but its area was much more extensive, reaching north to White Rock on Lake Huron. Mt. Clemens was made the County seat, Mar. 11, 1818. *Mich. Pion. and Hist. Colls.* I, 258, 259. (J. S. F.)

tricts,[57] prevents such improvements being made as to roads etc. as are needfull.—We are therefore of opinion that it will be for the benefit of each branch of the present county that a division should take place, which would destroy local jealousies and excite a feeling of emulation which would secure to the public passable roads which are so necessary for the prosperity of every district.—

Though the population of that part of the county which prays to be set off is at present small[58] no doubt we think can be entertained such is the fertility of the soil the salubrity of the clime and its facility for commerce and navigation that it insures to the settlers such certain and speedy advantages that it will increase rapidly— But even with its present population it is believed that in a pecuniary view it would be to the advantage of its inhabitants to be now organized as a distinct county the time and money expended in haveing to attend at Mount Clemens being a greater tax upon them.—

We are also of opinion that it will be for the advantage of the citizens in what will remain the county of Macomb, as it will then be reduced to such a size as to prevent any future wish to take from it, and prevent an idea going abroad that the seat of justice may be *removed* from Mount Clemens as it will be the center of a rich and populous district after taking off agreeable to the prayer of the petition excepting township 4 N, Range 15 East which from its locality to Mt. Clemens will be more convenient for its inhabitants than the seat of justice for the future county can be[59],— Accompanying this your Excellency will receive such propositions as were presented us, for the erection of County buildings, and we beg leave to recommended as follows—

1st. That it is expedient that the inhabitants of the River St. Clair be set off as a new County.—

2nd. That the Boundaries of said county be agreeable to their petition excepting township 4 N. — Range 15 E —, which should continue a part of the county of Macomb

3rd—That the offer of Mr. Fulton be accepted as it respects a county seat.—[60]

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[57]The Mt. Clemens district on Clinton river; the settlements on St. Clair river to Fort Gratiot; outlying settlements on Lake Huron, and the Shiawassee river. (J. S. F.)

[58]Estimated in 1826 at 80 families. (J. S. F.)

[59]Town 4 North, Range 15 East was included in the new County laid off by Proclamation, Mar. 28, 1820, and declared organized, May 21, 1821. *Mich. Pion and His. Colls.* I, 320, 321. (J. S. F.)

[60]In view of the advantages accruing to the owner of the land in the vicinity, it was customary to receive donations of land for sites of county government. The offer of James Fulton proprietor and founder of St. Clair was accepted. *Mich. Pion. and His. Colls.* VI, 406, 407; XIII, 335 (J. S. F.)

All of which is respectfully submitted by

Your Excellencys

Detroit August 30th—) Humble Servants
1819) David C McKinstry*
[Indorsement] B. Stead*
Aug. 30. 1819 John Hunt

report of the commissioners, respecting the boundaries etc. of the County of St Clair

*David C. McKinstry a citizen of Detroit engaged in various occupations. He was the contractor who, with Thomas Palmer, erected the State Capitol at Detroit and received for it the larger part of the Ten Thousand Acre Tract. He was extensively engaged in furnishing amusement for the people of Detroit in the way of pleasure gardens, museums and theaters. He died in Ypsilanti in 1856 aged 78 years.—C. M. B.

*Benjamin Stead filed a petition in the Supreme Court to be admitted to citizenship Oct. 13, 1818. From these papers and from other sources the following information is derived: He was born at Leeds, England, Oct. 12, 1778, married at Nottingham, April 19, 1798, to Frances Morley who was born there May 8, 1779. They came to the United States in 1805, having sailed from England, Oct. 14, and landed in Boston, Dec. of that year. He lived in Hartford, Windsor Co., in Vermont in 1812, and on May 8th applied to the Court to be made a citizen. "In that Court" he says, "he made an oath renouncing all allegiance to the King of Great Britain, in whose dominion he had the misfortune to be born." Not being properly informed as to the steps necessary to be taken by him to be admitted as a citizen, his first five years' residence was lost to him. They arrived in Detroit, Oct. 4, 1815. He died in Detroit, Sept. 25, 1821. Mrs. Stead died June 14, 1818. Their children were as follows:

1. Mary, born 1779, died in infancy at Nottingham.
2. Thomas, born in 1800, died in infancy at Nottingham.
3. Mary, born at Nottingham, Oct. 5, 1802, married Shadrack Gillett at Detroit Jan. 27, 1825. Died at Detroit, April 17, 1872.
4. Thomas Jefferson, born at London, England, May 1, 1804, and died at Providence, R. I., May 2, 1866.
5. Frances, born at Eastport, Me., April 28, 1807. Married Rev. Lucius C. Rouse, May 1, 1839. Died at Colorado Springs, Mar. 4, 1888.
6. Benjamin Franklin, born at Boston, Mass., Jan. 12, 1809, died at Plattsburg, N. Y., July 13, 1814.
7. John Hampton, born at Hartford, Vermont, Oct. 10, 1810, and died there in the following December.
8. John Milton, born at Hartford, Vermont, Sept. 16, 1811, and died at Whampoa, China, Oct. 20, 1829.
9. Benjamin Franklin, born at Pittsburg, Pa., Feb. 22, 1815, and died at Astoria, L. I., Feb. 15, 1879.
10. Ann Gazzam, born at Detroit, April 26, 1817, married Samuel Zug, Aug. 3, 1843, and died at Detroit, June 10, 1891, leaving two children, Robert M. Zug and Mrs. ——— Nichols.

Both Mr. and Mrs. Zug were contributors to this society in its early days and were always closely connected both with the State Society and the Wayne County Historical Society.

The itinerary on Benjamin Stead may be derived somewhat from the preceding record; born in Leeds, lived in Nottingham, in London, England, in Eastport, Maine, in Boston, Mass., in Hartford, Vermont, in Pittsburg, Penn., and in Detroit. He was one of the directors of the Lancasterian school in Detroit, Trustee of the Pontiac Company in 1818, vice president of the Detroit Mechanics Society, 1818; a director of the "Primary School and Classical Academy" in 1820; commissioner of the "Moral and Humane Society" 1821; a trustee of the "First Protestant Society" in 1821. He was chosen a trustee of the University in 1821, but he declined to serve.

He carried on the business of a tailor in Detroit for some years. In 1821 he sold out his shop to go to Macomb Co. to engage in farming. In an unique advertisement for the sale of his tailor shop he says, "He must run whom the devil drives." His successor as tailor was John Mullett, the old time surveyor of Detroit and Michigan. C. M. B.

JUDGE HALL TO (WILLIAM WOODBRIDGE) SECRETARY OF MICHIGAN TERRITORY.

[Library of Congress—Schoolcraft Papers—1819.] [May 11, 1819.]

The President of the United States of America.

To William Woodbridge Esqr.

Whereas the honorable Dominick A. Hall[61]—Judge of our District Court of the United States for the Louisiana district, in a certain cause move and pending before him in the said Court, wherein the United States are Plaintiff ——

—— and Lewis Dent Defendant. ————

hath decreed a commission to issue unto you for the receiving, admitting, swearing, and examining certain witness or witnesses residing in or near Detroit ———————— — — and hath by these presents committed his power and authority unto you in that behalf, in the manner and form following: We do therefore authorize and empower you William Woodbridge Esqr and do hereby will and request you that you call and cause to come before you Governor Lewis Cass,

and that you do receive, admit, and have administered, in your presence, an oath upon the holy Evangelists, in due form of law, unto the said witness to speak the truth in this behalf; and that you faithfully, carefully, and separately examine and interrogate the said witnesses, as well upon the interrogatories of the said United States Plaintiff—hereunto annexed,[62] as upon the interrogatories of the said Lewis Dent—defendant also annexed to these presents; and cause their sayings and depositions to be faithfully reduced into writing; selecting for your Clerk or Register, any legal Notary Public, or other suitable person, indifferent to the parties concerned; and having finished the said examination, you will, without delay, transmit to the aforesaid Judge of the said Court, the sayings and depositions of the aforesaid witnesses, and the whole proceedings had and done before you reduced into a proper form, under

[61]A. D. S. Dominick A. Hall was commissioned in October, 1804. He came into conflict with General Jackson at the close of the war of 1812 when the latter refused to release the city from martial rule. When Jackson caused Louallier a protesting member of the Legislature to be arrested and ordered him court martialed, Hall granted a writ of habeus corpus to Louallier, and was arrested in turn for aiding in the "mutiny." Hall when released caused Jackson to be brought before him, and fined him $1,000 for contempt of court. Phelps, *Louisiana*, p. 223. (J. S. F.)

[62]Missing. (J. S. F.)

your hand and seal, and closely sealed up, together with these presents; that thereupon justice may be immediately administered to the parties. Witness the honorable Dominick A. Hall—Judge of the aforesaid Court, at New Orleans—this Eleventh—day of May in the year of our Lord one thousand eight hundred and nineteen—and of the Independence of the United States the Forty third.

Saml. H. Harper Clerk

[Library of Congress—Schoolcraft Papers—1819.]

[Enclosure]

Louisiana District

The United States)

vs

Lewis Dent)[63]

Interrogatories to be put to Governor Lewis Cass on behalf of the Defendant in the above suit.

1st. Do you or do you not know that there was placed in the hands of the Defendant as paymaster to your Regiment of Volunteers[64] in the year 1812 at Cincinnati the sum of $4500. for the purpose of paying over the same to that Regiment, if so, from whom was the said money recieved [sic], was it from you, or Genl. James Taylor or Governor Meigs?

2dly. Do you know to whom the Deft. was to account for the Disbursements of that money was it to you or to either of the above named Gentlemen?

3dly. Do you now remember that the Deft. was ordered to account for the same to the said Genl. James Taylor, or to whom else? and if so who gave that order, ?

4th. Do you not remember that at the time the troops marched from Urbana or Dayton the Deft expressed to you his desire to settle his accounts for the said sum of $4500. and that you directed him to settle with the said Genl. J. Taylor for the same? if so do you not remember that the Deft. remained behind the march of the army the following day for that purpose. and that when the Deft. met you in camp the day following, did he not shew you the Receipt of the said Genl. J. Taylor for vouchers to the amount of the said sum.?

[63]This case is not reported.

[64]Early in the spring of 1812, Gov. Hull was ordered into Ohio to raise troops. In April and May, Return J. Meigs, governor of Ohio raised three regiments of volunteers commanded by Colonels Duncan McArthur, James Findlay and Lewis Cass. The latter commanded the Third Regiment. Atwater, *History of Ohio*, pp. 188-191. (J. S. F.)

5th. do you not know that Daniel Converse had made advances for the United States to your Regiment previous to their leaving Zanesville in the State of Ohio in the year 1812. and if so do you not know that at your order the Deft paid him the amount: What was that amount?

6th. Do you not know that the Deft. as paymaster to your Regiment Continued in the performance of the duties of that office until December 1813.—and was this continuance necessary and by the orders and Consent of the Officers having the proper authority over him?—was it possible owing to the then existing circumstances of the case for him to have made the payments and finished his business sooner than he did?—

Turner Deft. Atty

[Indorsement]
1266

L. CASS TO P. HAGNER.

[Library of Congress—Schoolcraft Papers—1819.]

(Draft)

Detroit Aug. 16. 1819

Sir,

The money, which has been remitted here for the payment of claims against the Quarter Master's Department is expended, and additional funds will be necessary to pay those claims, which you have allowed.

I am, Sir
Very respectfully
Yo. obt Servt

Peter Hagner Esq
3d Auditor of the Treasury
Washington City
[Indorsement]
Aug. 16. 1819—
To
P. Hagner

MICHAEL DOUSMAN[65] TO L. CASS.

[Library of Congress—Schoolcraft Papers—1819.]

[Oct. 30 1819]

His Excellency Louis Cass Governor, etc. etc.—

Sir,

Nothing short of the unjust proceedure that has taken place with regard to myself, could induce me [to] make this application to you, as the only means of remedying any abuses that may exist in the administration of affairs.

Last Autumn, I went to Detroit with the design of meeting you there.—Your absence prevented me. I applied to Mr. Woodbridge, then exercising the functions of Governor in your place. I declared myself a citizen of the United States, and claimed to be recognized as such. His, (Mr. Woodbridge's) recommendation to the Agent at Green Bay,[66] honored me with this title, and your Excellency ratified it, the next Spring, in the commission with which you honored my son;[67] satisfied, at last, that this condition (of citizenship) was made incontestible for myself and my children, I entered on the task of instructing them in their duties as citizens, and my conscience bears me testimony of the rectitude of my intentions.

Continuing that commerce in which I had usually been engaged, in order to indemnify myself for the loses [sic] I had suffered during three

[65]A. L. or copy, signature wanting. The writer was probably Michael Dousman of Mackinac, father of Hercules L. Dousman and John Dousman. Like many other former British subjects he continued to reside at Mackinac after the surrender of the Northwest posts in 1796, and by operation of the Treaty of 1794 became an American citizen. At the taking of Mackinac in 1812, he was compelled to aid the British against his will, but was considered by them an American citizen, and compelled to reside for a time at Montreal. He was finally released and permitted to resume his business—the fur-trade—under a heavy bond of $4,000. Before the war he was a member of the firm, David Stone & Co., and after the war became connected with the American Fur Company. His part in the taking of Mackinac led him to be regarded as a British sympathizer, and he therefore was debarred from the fur-trade for a time by the application of the Act of 1816 excluding foreigners from that occupation, till 1819, when a decision of the War Department interpreted the Act in question not to apply to traders employed in subordinate capacities. Michael Dousman amassed considerable wealth, and was President of Mackinac village, 1824-1825, and Probate Judge of Michilimackinac county, 1833-1840. Brannan, *op. cit.* p. 34; Campbell, *op. cit.* 284; *Mich. Pion. and Hist. Colls.* XV, 633-634; VI, 348, 351; Chittenden, *Hist of Amer. Fur-trade in the Far West* I, 314. (J. S. F.)

[66]John Bowyer of Va., appointed in 1815. (J. S. F.)

[67]John Dousman was appointed by Gov. Cass, Associate Justice of Michilimackinac County Court, upon the organization of the County in 1818-19. (J. S. F.)

years, by the obstacles which the Administration had put in my way, and feeling assured, as I might justly presume, that I should not again encounter the same obstacles, I made, at the proper time, the necessary preparations.—The Agent himself did not hesitate to assure me, that I should have a licence [sic] when it should be demanded: But at the moment of demanding it, and when the season would no longer allow of delay, I was shown, instead of a licen[s]e, a contradictory decision in my case, of which the enclosed is a copy and which will give you more full information on this subject. What abuse—what tyranny! Should I not, in justice to the Government, doubt the authenticity of the instructions which were shown me? Or rather might I not with more justice suspect that certain false reports and Informations have drawn those instructions from the Government? And the proper means to elucidate this point is to address your Excellency on the subject.

What have I done that should draw upon my head the anathemas and the persecution of the Government of the United States? My peaceable intercourse with the Indians has never produced anything but tranquility. And I have the advantage of being able to say, that, the Sacs alone, with whom I traded, were the only tribe, that, at the time of the general Insurrection of the Indian Nation, took no part, altho' they were surrounded and solicitted [sic] by the other Nations who were engaged in it.

I had the honor of receiving a letter from Mr. Jacob Astor, approved by the Secretary of War, recommending to me to interest myself in the business, and my answer did not leave my good disposition towards the Government equivocal: I had the satisfaction to prove incontestibly to Capt. Stark, commander at Fort Madison, in spite of the existing prejudices, that my Indians were the best disposed towards the Government; Indeed, It is absurd to suppose, however lightly an individual's Character may be estimated, that, while engaged in commerce with these nations, he would sacrifice his own interests by fomenting troubles and disturbances among them.

Should it be remarked, that at the commencement of the war, I was found under the british flag and thus was assisting at the taking of Mackinaw[68], I would beg your Excellency to understand that the situation in which I found myself was fortuitous and compulsory; It was difficult for an individual, claimed as a ci devant British subject, and constrained by their power, to act otherwise; but I acquitted myself of all blame in this Affair, by retreating as soon as permission could be obtained and the

[68]See sketch of Michael Dousman, *note* 65. (J. S. F.)

treaty, (capitulation?) the abuse being made apparent, had provided for it.—

It will be urged, in order to take advantage of every circumstance to injure me, that I was commissioned a Captain of Militia and a justice of the peace before the close of the war; but your Excellency will please to observe that this double commission, on the same piece of paper, was procured in consequence of a Request of the Inhabitants of the Bay, who knew no better means of preventing the plundering which was carrying on by the Indians and some abandoned individuals, and who were threatened by several bands that take as enemies all they find and kill them with impunity.

If in acting thus I am to be considered culpable towards the United States, at least my conscience will never reproach me for it.

Finally I do not hesitate in saying, that, (if hazard had not otherwise disposed of events,) finding myself at the commencement of the war, according to my wishes, under the American flag, I should not have been seen, an unworthy deserter from the standard of my country, turning my back upon it, and flying to the enemy for safety, as he did, who, according to appearances, is now caballing against me!— Mr. M. Irvine,[*] —who in the precipitation of his flight at Mackinaw, forgot even the decency becoming a man!—

It is not my task at present to draw his portrait. Under a faithful pencil, your Excellency might see in him, a man unworthy the confidence of his Government, a man labouring in all things solely for his own interests, and who, by the aid of Imposition, hopes, at some future day, to appropriate our property to himself,—a disposition which he has not been able to keep concealed.

Having laid these facts before your Excellency, I have only to request a final decision of what I am, citizen or not!—that I may not be left at the mercy of events, without knowing what part to take, and what duties are required of me.

Your Excellency will please to observe, that situated as we are, we become very much exposed to the ferocity of the savages in case of a new war, and that consequently it is unjust to keep us in suspence [sic].

I would further observe to your Excellency that the Nations of the North, conducted by traitors, are at present approaching within thirty miles of this place, a circumstance that has never taken place before.

[*]Matthew Irvine (or Irwin). Before going as Factor to Green Bay he was Factor at Chicago. See his complaints against Dousman and others. *A. S. P. Ind. Affs. II* 358-360. The factory at Green Bay was given up about this time and he was moved to St. Peters. The whole factory system was abolished in 1823. (J. S. F.)

I will not undertake to predict evil from these movements; but no one is ignorant that all these nations, inaccessible in their own habitations by any force, are under the influence of Canada by the coast of the North west, from which, all the changes that may have taken place have not freed them. In case of another war, it is not doubtful what part they will take. And being acquainted with the local situations of the a[d]jacent parts, they will transport themselves thither, so much the more easily as they will have nothing to fear, from the nations that inhabit there; and the inhabitants of the place will infallibly become their prey.

I will not push the consequences farther;

I am to speak only for myself: I have mentioned this to the Agent;—but his attention is solely occupied with our concerns.

I have the honor to be,

With respect etc.—

Green Bay. Octr. 30th. 1819.

L. CASS TO SECRETARY OF WAR.

[Smithsonian—Schoolcraft Papers—File Case II.]

(Draft)

Detroit Feby 12. 1820

Sir,

I did not intend to trouble you with any recommendations for appointments, and I have been induced to depart from this resolution in the present instance from the consideration, that you may think it proper that some of the cadets at the military Academy should be from this Territory, and in that case it becomes proper that some names should be submitted to you.

There is not in the military Academy one Cadet from the Territory of Michigan. The few who appear upon the register as such are the sons of Officers, who in the course of their professional duties have been ordered and have resided a short time here.

I therefore take the liberty of recommending to you three young men[70] two of whom natives and all residing in this Territory, as Cadets at the

[70]Of these, two became promising in Detroit affairs, Whipple and Stead. The former, Charles W., son of Major John Whipple, obtained the desired appointment, but was expelled from West Point soon afterward "for incapacity." He then studied law and rose to be Chief Justice of Michigan. (J. S. F.)

Military Academy. They are Jean B Durette, Charles Whipple and Thomas Stead. I know them well, and I believe them qualified to make respectable Citizens and meritorious officers.

Very respectfully Sir
I have the hon[or to] be
yo obt servt

Hon J. C Calhoun
Secy of War—

[Indorsement]
Feby 12 1820
To the
Secy of War
Recommendation

L. CASS TO PETER HAGNER.

[Smithsonian—Schoolcraft Papers—File Case II.]

(Draft)

Sir, Detroit March 25. 1820

When I was in Washington last spring I laid upon your table an account of James Connor[71]* for his services as forage master, amounting to $362, 52. A duplicate of the same account together with one of Joseph S. Holmes for his services as Hospital Steward amounting to $220 had been sent from here Dec. 12. 1818.

Your decision upon these claims has not been received, and the persons interested are anxious to learn the result. I presume that in the pressure of more important business they have been overlooked Accompanying this I send three claims for your decision, which I believe to be correct.

Very etc

Peter Hagner Esq
3d Auditor of the Treasy Dept.

[Indorsement]
Mar. 25. 1820
To
Peter Hagner

[71]James and his brother Henry served in the capacity of Sub-agents and interpreters after the war.. (J. S. F.)
Richard Connor was from Maryland. He was captured by the Indians and lived among them some years and married his wife, who was also a captive, among them. James Connor was their oldest son. Frequent mention of Richard is made in Zeisberger's Diary and he came to the Clinton River with the Moravians. Many of his descendants live in the vicinity of Detroit. C. M. B.

L. CASS TO DAVID OGDEN.[72]

[Smithsonian—Schoolcraft Papers—File Case II.]

(Draft)

Detroit May 5th. 1820

Dear Sir,

Such are the delays attending the progress of the mail, that your letter of March 20th did not reach here until Wednesday last, and I hasten by the first return mail to communicate to you my opinion, respecting the various subjects, to which you have referred.—

I shall probably leave here between the 20th of this month and the first of June for the upper Lakes, my route† in returning will be by the way of Prairie du Chien and Green Bay, and I shall pass through that Country some time in August. If Mr Williams,[73]* with the delegation from the six nations, could be there at that time, I might be able, more effectually than in any other way, to aid him in the accomplishment of his object.— I will converse fully with General Macomb, previous to my departure, upon the subject stated in your communication, and will arrange with him the necessary facilities to be given to Mr. Williams. Among these will be a letter to the Indian Agent at Green Bay—

Mr Williams had therefore better immediately on his arrival repair to Gen. Macomb, and consult him upon every thing, connected with the object of the mission.—

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[72]David A. Ogden was a native of New Jersey but removed to Madrid New York where he engaged in law practice. He served in the New York Legislature, 1814-1815, and was elected from New York to the 15th Congress, serving from Jan. 8, 1818 to Mar 3, 1819. In 1810 he and a number Associates known as the Ogden Land Company, acquired by purchase from the State a preemptive right of purchasing certain Indian reservations within the State. In order to facilitate the acquisition of the land, the general government was solicited to encourage the New York Indians to remove by providing a new home for them in the West. The ultimate result was the migration of the Stockbridge and Brothertown Indians to Wisconsin. (J. S. F.)

†The expedition left Detroit May 24, 1820 and there were in the party, besides Gov. Cass, Robert A. Forsyth, Henry R. Schoolcraft, Capt. D. B. Douglass, Dr. Alexander Wolcott, Lieut.Evans Mackey, James Duane Doty and Charles C. Trowbridge. Young's Life of Cass 126.—C. M. B.

[73]Eleazar Williams an educated half-breed, and missionary to the Oneidas, was at this time leading a delegation of Indians to inspect the lands at Green Bay. Williams is chiefly remarkable for his claims to royal descent, as son of Louis XVI of France, from which he became known as"the Lost Dauphin." For this and his work in forwarding the emigration scheme, see William Ward Wight, *Eleazar Williams—His Forerunners, Himself*, in *Parkman Club Publications*. No. 7. (J. S. F.)

*Rev. Eleazar Williams read the services at the Consecration of St. Paul's Episcopal Church, in Detroit, Aug. 24, 1828. C. M. B.

In determining the mode of conveyance from this place to Green Bay, something will I suppose depend upon the wishes of the delegation. A birch canoe would unquestionably be the most economical, and I presume a proper one might be procured here. If this should not be agreeable to them, a passage might easily be procured in one of the vessels, bound up the Lake, at a moderate price, and probably with very little delay. Vessels are continually passing and repassing between here and Green Bay during the summer season.

The plan of locating these Indians in the country, to which you refer, is the most practicable, which has yet been proposed. There are none of our citizens interested in that country to oppose the measure. There will be no political prejudices to encounter, and no misrepresentations to correct. I believe the soil, climate and other advantages of the country will be found to equal any expectations which these Indians may have indulged respecting them.

You may rely upon my zealous cooperation in every effort, which may be made to carry into effect this proposed removal. It was one of the objects, to which I proposed to direct my attention, in the tour I am about to undertake, and was so stated in my communications to the War Department upon the subject.

With sincere regard and esteem

I am, Dear Sir,

Yo, obt Sev^{t}—

David A. Ogden

[Indorsement]

March 5. 1820

To

David A. Ogden

L. CASS TO JOHN LAWE[74] AND OTHERS.

[Library of Congress—Schoolcraft Papers—1820.]

(Draft)

Detroit May 10th. 1820

Gentlemen,

I have received your representation respecting the conduct of Mr Irwin.[75]

So far as relates to his obtaining and holding possession of land the property of others, the subject is not within my control, nor is it in my power to apply a remedy. Your resort must be to the Supreme Court of the Territory, which tribunal can alone investigate the title, and continue or change the possession, as the relative merits of the parties may require.

I shall probably visit Green Bay in the course of the season, when I will hear and examine all complaints, you have to make respecting the official conduct of Mr Irwin, and do what, from a full view of the circumstances, justice may appear to me to require.

It is due to Mr Irwin to state that he never introduced the subject of this subject [sic] of this dispute to me, nor was it ever the topic of conversation between us, until the receipt of your communication, rendered it necessary for me to resort to him for explanation

I am etc.

Mr. John Lawe and others, who have signed the representation respecting the conduct of Robert Irwin Esq

[Indorsement]

May 10. 1820

To

John Lawe and others

---

[74]John Lawe was a native of York, England. His father was a captain in the English army, and his mother, an English Jewess, was a sister of Jacob Franks who had come to Green Bay about 1795 as clerk for Ogilvie, Gillespie & Co., of Mackinac. John Lawe was educated at Quebec, being a schoolmate of Joseph Rolette, and came to Green Bay at the age of sixteen in company with his uncle, who was then starting an independent establishment, in 1797. To this trade John Lawe succeeded in 1812. During the war he was a Lieutenant in the British Indian Department and served under Robert Dickson at the taking of Mackinac. Sometime after the organization of Brown County, he became Associate Justice. He was a large land holder at Green Bay, where he continued to reside till his death in 1846. *Wis. Hist. Colls.* III, 250, 251; VII, 247. (J. S. F.)

[75]Robert Irwin Jr. was one of the first American traders at Green Bay, coming there in 1817 and being joined in 1823 by his younger brother Alexander Irwin and his father Robert Irwin, Sr. He is said to have been the first clerk of the Court and first Justice of the Peace under Michigan authority west of Lake Michigan. He was also first postmaster at Green Bay and first member of the Territorial Legislature from the western part of Michigan. (J. S. F.)

L. CASS TO SECRETARY OF STATE.

[Library of Congress—Schoolcraft Papers—1820.]

(Draft)

Sault de St Marie June
14. 1820

Sir,

In the spring of 1819 Mr Brent stated to me, that the Department of State was desirous of ascertaining the fate of a boy, whose name was Hoffman, and who was taken prisoner by the Indians in 1813 from the state of Indiana. In addition to this information, the father of the boy, whose Christian name I cannot recollect,[76] came to Detroit in search of his son and urged me to make every possible enquiry respecting him.

Since my arrival at Michillimackinac, I have been enabled for the first time to ascertain with precision into whose hands this boy fell, and to discover the probable means, by which he may be found and restored to his parents. His name was Peter Hoffman. The Christian name he recollected perfectly, but he assumed the name, I believe of his maternal Grandfather, with whom he lived at the time of his capture. He was then about five years of age. After he was brought to Michillimackinac, he was purchased by a private of the veteran corps or Battalion for I cannot ascertain distinctly the name by which it was distinguished. Capt. Roberts* was the commanding officer at the time, and the name of the person who purchased the boy was John Adair. He was a married man, and he had a daughter married to a person in the same corps or living at that time upon the Island. This Adair and his wife were much attached to the boy, and avowed their determination of adopting him as their son. I am thus particular in all the circumstances I can collect, that the clue to the discovery may be rendered as plain as possible. It is said that this corps was disbanded in Canada, and that some of the men belonging to it settled in that country, upon lands granted by the Crown, and that others returned to England. From the declarations made by Adair, previous to his leaving Michillimackinac, it is supposed that he remained in Can-

[76]The father's name was Benjamin Hoffman (or Huffman). In 1824 the boy was still unfound, and Congress by Act of May 26, appropriated five hundred dollars to aid in his recovery. (J. S. F.)

*Captain Charles Roberts was the officer in command of the British forces that captured Mackinac at the commencement of the war. Vol XXXII, *Mich. Pion. Hist Colls.*—(C. M. B.)

ada, but conjectures, for they are little more, vary with respect to his place of residence. Some say he settled about Quebec and others that he settled about Kingston.

Dr. Sampson, who was the surgeon of the post at the time, and who it is probable can give more and more precise information upon this subject than any other person, it is stated, is settled in the practice of his profession at Kingston. These are all the facts I have been able to procure. An application to the Canadian Government would undoubtedly lead to a full discovery. They must have the muster rolls of this corps in their possession or within their reach, and will be able to trace Adair. The interposition of their authority may also be necessary to reclaim and restore the child. And a request to Dr Sampson or to any other officer of the corps for further information would be received with more respect and obeyed with more promptitude if made by our Government through that of Canada, than if made through any other medium.

This afflicted father of this unfortunate child was so anxious to ascertain the result, that I shall communicate to him the facts stated in this letter. I do not recollect his place of residence, but a letter for him enclosed under cover to Gov. Jennings would be transmitted to him by the Governor without delay. The peculiar circumstances of his case are well known in Indiana and have excited much of the publick sympathy in his favour.

Very respectfully, Sir,
I have the honour to be
yo. obt Servt.

Hon— John Q. Adams
Secy of State
Washington City.
[Indorsement]
Sault St. Marie June 14. 1820
To the Secy. of State Conc'g. a boy a prisoner among the Indians

L. CASS TO GOVERNOR JENNINGS.[77]

[Library of Congress—Schoolcraft Papers—1820.]

(Draft)
Sault de St. Marie June 14. 1820

Dear Sir,

Accompanying this I take the liberty of transmitting an open letter for

[77]Gov. Jonathan Jennings Governor of Indiana 1816 to 1822. See preceding letter, Cass to Sect. of State June 14, 1820. (J. S. F.)

Mr Hoffman, which you will oblige me by sealing and forwarding to him. I have left my memorandum respecting his affair at home and I cannot recollect his Christian name, nor his place of residence. The latter however is, I believe, near Brownsville or Brownstown. The claim, which he has upon the humanity of all persons, who can contribute any thing towards the restoration of his child must be my apology for the trouble, which this request will occasion you.

I am, Dear Sir,
With much esteem
yo. obt Servt.

His. Excy.
Gov. Jennings
[Indorsement]
June 14. 1820
To. Gov. Jennings.

L. CASS TO THE PRESIDENT.

[Library of Congress—Schoolcraft Papers—1820.]

(Draft)

Detroit Sep. 22d. 1820.

My dear Sir,

I must ask your indulgence for addressing myself directly to you. I am aware that it is not in accordance with the general course of proceeding, and I feel very reluctant to obtrude my sentiments, upon a subject, which will eventually claim your decision. But the peculiar circumstances of the case and my feelings for the officer, whose fate may be involved in it's result, furnish the motives, and will, I trust, plead my excuse for this interference. You are perhaps aware that difficulties have existed between General Macomb and Colonel Smith,[78] which have eventuated in the arrest and trial of the latter. With any of the details upon this subject it would be indelicate to trouble you. Nor should I be willing, under any circumstances to enter into a consideration of them, or to take any part, which would impair the feelings, which I

[78]What these relations were is explained by the following letter which is inserted as germane to the subject of this letter. Colonel Joseph Lee Smith was a Connecticut man and entered the Army, Mar., 1812. He rendered distinguished service in the war that followed. In 1818 he was promoted to the command of the Third Regt. and was stationed at Green Bay with four companies. He was honorably discharged in 1821 under operation of an Act of Congress to reduce the military establishment. (J. S. F.)

have for both. My regard for General Macomb is warm and unshaken, and founded upon an intimate knowledge of his character and conduct for some years. The Court Martial has terminated its session, and the sentence is matter of conjecture. I was not here to be present at any part of the trial, and can consequently form no opinion respecting it. But I feel much respect and esteem for Colonel Smith, and I am extremely anxious, if the sentence of the Court is severe upon him, that justice should be administered in mercy, as far as may be compatible with the nature of the case and the discipline of the Army. He has talents of the highest order, and qualifications intellectual and corporeal, which fit him for performing a distinguished part in the civil or military department of his country. His temper is hasty and his feelings warm, and I doubt not but that he has rendered himself obnoxious to censure. I think his own view of his case, as might have been expected, was partial. An unlucky combination of circumstances has induced him to believe that General Macomb intended to injure him. I am firmly convinced that General Macomb wishes to injure no human being, but there has been a growing discontent between them, which has at length ripened into open hostility. The ebullition of temper, which some part of the proceedings may exhibit under result from this circumstances, and claim in their behalf the ordinary indulgence due to the infirmities of human nature. But I cannot refrain from the expression of my wishes, that whatever may be the sentence of the Court Martial, Colo. Smith may eventually be restored to his command and to the Army. I had an opportunity on my late tour of forming some estimate of his military merits. I understood on my arrival at Green Bay, that his regiment had, until his departure, been kept in a perfect state of discipline, and that every appearance at the post indicated the zeal, firmness, and talents of it's Commander. The contrast between what I found and what it had been shewed very distinctly the change, which the presence or absence of an individual may create.

I should not presume thus to address you, had any eye but my own seen this letter. Colo. Smith knows, that I have stated to you my opinions respecting him and my feelings towards him, but farther than this he is ignorant. I feel more perhaps than I am willing to express and the fear which I entertain lest you should deem me importunate, induces me to close without any other observation, than the expression of my ardent gratitude towards you, and my continued and fervent wishes that every happiness personal and political may attend you.

With

Should circumstances not allow any other course to be taken, it would perhaps not be improper to suggest,

The President—

[Indorsement]

P

—

To the Sept. 22. 1820

President.

Col Smith

COL. SMITH TO MAJOR BIDDLE.[79]*

[Library of Congress—Schoolcraft Papers—1820.]

[1819—1820?]

Sir,

I have just recd information from Capt Grosvenor, that the General Comdg the Dept[80] was displeased, that I had detached Officers from the 3rd. Regiment for the recruiting service: I briefly in my letter of December last informed you that Captains Green and Whistler and Dr Madison[81] had been detached before the Dept Order of the 3rd. Oct had reached this post in the full understanding from General Brown and from the Nature of my command, that I had authority so to do— Captain Grosvenor when detached, was ordered with Lieut Hopkins, to report *himself and Orders,* at your Office, and informed especially, that in conformity to Dept Order, it would depend on General Macomb, whether he preceeded farther. I have to add that it has been my intention and so long as I am subject to command it will be considered a duty to conform to Orders.

On another point, on which Captain Grosvenor states that the General questioned him— I have to say, that this course was not necessary, to ascertain facts—I am ready to communicate when called upon, all that

[79]This is an undated copy of Col. Smith's letter. Its presence is explained by the preceding letter. (J. S. F.)

*John Biddle held many important offices in Michigan. Born in Philadelphia in 1792. He was Register of the Land Office in Detroit till 1832; delegate to Congress, 1829 to 1831; president of the Constitutional convention of 1835 and candidate for the first governorship. He died in Virginia 1859.—C. M. B.

[80]Gen. Alexander Macomb, then commanded the department in which Green Bay lay, technically known as the 5th District of the Division of the North. *A. S. P. Milit. Affs.* II, 36. (J. S. F.)

[81]Dr. William S. Madison, surgeon 3 Inf., murdered May 14, 1821 by a skulking Chippewa Indian. (J. S. F.)

I have said or done—but however much and severely, not only myself, but my family have suffered from the General— Upon the advice of the Commander of the Division,[82] acquainted with some of the transactions, and upon my own reflections, as to a proper course, I have for many months been silent in regard to the General, intending in future, according to present circumstances, to remain so—I have deemed it correct as the General has thought proper to make it a subject of inquiry, from an Officer of my command, thus frankly to make through you, this Official Communication, in relation to both of the subjects of my letter—

and am Sir
Yr Obt Servt
Jos. Smith
Col 3 Infy

To Major J. Biddle
[Asst. Insp. General]
Detroit.
[Indorsement]
Copy of a letter to *Major Biddle*
from Col Smith

L. CASS TO SECRETARY OF TREASURY.

[Smithsonian—Schoolcraft Papers—File Case A. No. 413.]

(Draft)

Detroit Oct. 7. 1820

Sir,

The death of Mr. Audrain[83] the late Register of the Land office has left that office vacant.

His son Francis Audrain has executed it's duties for some time, and it is generally understood, that they have been correctly executed. The situation of the family renders it desirable that the office should be conferred upon him, if there are no stronger claims. I think he would

[82]General Jacob Brown, Commander-in-chief of the U. S. Army, 1815-1828 and at that time in personal command of the Northern Division. (J. S. F.)

[83]Peter Audrain, clerk of the Election at Detroit, 1799 and "Judge of the Probate Court of Wayne County in the Territory of Indiana;" afterward he became Justice of the Peace and Clerk of the Supreme Court of the Territory of Michigan. He was appointed Register of the Land Office at Detroit when that office was established in 1818. (J. S. F.)

fulfil its duties acceptably and faithfully and I therefore take the liberty of recommending him for the appointment. The books and documents connected with it are in his possession.

Hon W H. Crawford
Secy of the Treasy.
[Indorsement]
Oct. 7. 1820
To W. H. Crawford

L. CASS TO HON. EDWARD TIFFIN.[84]

[Library of Congress—Schoolcraft Papers—1820.]

Detroit Nov. 7. 1820

Dear Sir,

Mr Hasler[85]* has just returned from the interior of the Territory, and his report leads me to suppose, that there has been an erroneous opinion formed respecting the western boundary of the tract purchased by the treaty of Detroit, and consequently respecting the extent of the cession made by the Saginaws, in which I have participated in common with others.[86]

Comparing the relative situation of the line running north from Fort Defiance with that which was run from the Southern extremity of Lake Michigan to Lake Erie, I supposed that after running sixty miles due west from the former line, agre[e]ably to the stipulations of the Saginaw treaty, there would certainly be fifty or sixty miles, before we could reach Lake Michigan. But Mr Hasler's examination of the Country leads to a different conclusion, and it is possible, that justice may require of the United States, that other stipulations should be made upon the subject. I never entertained a suspicion, that a due north course from the point, where Mr Hasler commenced his survey would lead him to the west of the Saginaw bay or river But even were it not prudent under existing circumstances as now disclosed to postpone a survey of the Country west of the Saginaw river, until we can procure more correct knowledge respect-

[84]Draft endorsed—"To the Surveyor General." (J. S. F.)

[85]For the erratic character and conduct of this gentleman, see following letter, May 5, 1821, and notes. (J. S. F.)

*Hasler was a government Surveyor at Detroit.—C. M. B.

[86]For the extent of the cessions under the treaties of Mar. 7, 1807 and Sept. 24, 1819 see *A. S. P. Ind. Affs.* I, 746; II, 194, or Cutcheon, *op. cit.* II, 157, 158, 247. (J. S. F.)

ing it, there still is nothing, which renders a survey of that tract necessary at this time. I would recommend that all the Country east of the main branch of the Saginaw river, which is the Shiawassee and excluding the Country in the angle between Fort Gratiot and Saginaw bay which never can be of importance, should be surveyed. This would connect the present surveys with the valuable lands upon the Saginaw and bring into market the Flint and Huron Country. This would be as much as is now wanted and time would be afforded to examine the topography of the residue of the tract, and to take any measures which justice may require in consequence of the new information which has been obtained. I would also recommend, that the Township lines be not continued across the Saginaw river, until the large reservation of 40,000 acres be located. The Indians will undoubtedly require this to be done upon the Saginaw river and I presume the Government will accede to their wishes upon the subject. It would be politick to permit this tract to be run precisely as they wish, and I have to request that the Surveyors, who may be eventually be [sic] employed to lay out any of these reservations may be directed to apply to me for instructions respecting them. As I negociated [sic] the treaty with the Indians, I feel anxious, that every thing should be done which can be done with propriety to satisfy them. And upon questions connected with their reservations I must of course know their wishes and expectations.

Respectfully

Hon Edward Tiffin
Surveyor General U. S.
Chillicothe

[Indorsement]
Nov. 7. 1820
To the Surveyor General

LEW CASS TO MAJ. GEN. MACOMB.[87]

[Library of Congress—Schoolcraft Papers—1820.]

Detroit Decr. 21, 1820.

Sir,

I have had the honour to receive your letter of the 4th instant.—

It was certainly correct to address the communication to Mr. Knapp, of which you have done me the honour to forward a copy; The state-

[87]Unsigned draft, endorsed "Acknowledging receipt of his letter of 4 Dec:, enclosg. copy of a letter to Knapp. (J. S. F.)

ment of the causes which led to it, altho' perfectly satisfactory, were yet unnecessary because I never for a moment supposed, that any thing personal was intended. I knew you were incapable of that.

Very Respectfully, Sir,

Your. Obt. Servt.

Maj. Genl. Macomb)
Chief Engineer)

[Indorsement]
Dec: 21. 1820.
To.
Maj. Genl. Macomb.

Acknowledging receipt of his letter of 4 Dec;, enclosg. copy of a letter to Knapp.

L. CASS TO PETER HAGNER.

[Library of Congress—Schoolcraft Papers—1821.]

(Draft)

Detroit Jany. 15. 1821

Sir,

On the 12th of December 1818 a claim of James Connor for his services as forage Master amounting to $342.51 was forwarded by me to your office.

On the February succeeding I left upon your table a duplicate of this claim. No decision has been received respecting it, and Mr. Connor feels some anxiety upon the subject.

I therefore take the liberty of inquiring whether you have yet decided upon the allowance or disallowance of this claim.

I am, Sir

Peter Hagner Esq.
3d Auditor of the Treasy

[Indorsement]
Jany. 15. 1821
To the 3rd. auditor of the Treasury—

L. CASS TO PETER HAGNER.[88]

[Library of Congress—Schoolcraft Papers—1821.]

Detroit Jany. 15. 1821

Sir,

At the request of Gen. Simon Perkins of Warren Ohio, I enclose a receipt given to him by Robert Morrison[89] late a Lieut Colo. in the U. S. Army, and I trouble you with a statement of the circumstances, which led to the execution of this receipt. In the spring of 1813 I was appointed a Brigadier General in the Army, and the raising of the 27th. Regiment was entrusted to me. Of this Regiment Simon Perkins was appointed the Colonel. I received eight thousand dollars to be expended in bounties and premiums. A new principle was at first adopted in the raising of the twenty Regiments, of which the 27th was one.[90] All the money intended for bounties and premiums was placed in the hands of the officer charged with the superintending duty, and he was made responsible for its ultimate appropriation to the objects, for which it was intended. The receipt of the officers to whom it was paid was no voucher, but he was answerable for their faithful application of it. Of course he was responsible to the Government and the subordinate officers to him. Nothing therefore could be a voucher for him, but the original enlistments and the muster rolls. Whether this principle was finally adhered to in the settlement of these accounts, I do not know, but it was distinctly avowed and it will be found in the recruiting instructions issued at the time by General Cushing.

A large portion of the sum received by me was paid out to the different officers and their receipts were taken. Among these was Gen Perkins. He was charged with the superintendence of three companies and was directed to pay to the officers such sums as might be necessary. I do not recollect the sum advanced to him. It is stated in the enclosed copy of a receipt at $1,404. His original receipt is with Maj. Munson.[91] After expending this sum it appears that he advanced from his own funds $539.

As part of the original enlistments were returned the officers received credit, until these receipts were balanced. I know of no instance in

[88]Draft. Jan. 15, 1821. (J. S. F.)

[89]Robert Morrison of Ohio was major volunteers in 1812; major of 27 Inf. in Apr. of 1812, and became lieutenant-colonel in June. He died Dec. 13, 1813. (J. S. F.)

[90]See Act of June 29, 1813. (J. S. F.)

[91]Jeremiah R. Munson of Ohio; major of Ohio volunteers in 1812; major of 27 Inf. 18 March, 1813; honorably discharged 1 June, 1814. (J. S. F.)

which the officer did not thus balance his account or refund the money. About $7200 were accounted for by proper vouchers and the residue was deposited in a Bank at Zanesville. Of course these vouchers were surrendered by the officers and retained by me for the ultimate settlement of the account with the United States.

After some time I was authorized to transfer to Maj. Munson then of the 27th Regt. the whole business. I accordingly delivered over to him the original enlistments and the money on hand, making together the sum received by me. He forwarded to the War Department a proper voucher, and the account against me was closed. Before the raising of the Regiment was completed Gen. Perkins resigned and Col. Morrison was directed to relieve him. This circumstance will explain the reason, why the receipts given by the subordinate officers to Gen Perkins were not retained by him. They were delivered to Col. Morrison in order that the accounts of those officers might be closed on their arrival at head quarters, where the men could be mustered.

I do not know whether Maj. Munson has ever settled this transaction. But it appears to me that there can be no doubt respecting the justice of Gen. Perkins' claims. He has advanced money to publick officers, which has actually been expended for the publick service. It is desirable to know whether any vouchers which could be produced to substantiate this statement would lead to a liquidation of his claim. I transmit to you a letter which he has addressed to me. It is only necessary to add, that he has before written to me upon the subject and that I referred him to Maj. Munson.

Very respectfully

Peter Hagner Esq
3d Auditor of the Treasy.
[Indorsement]
Jany 15. 1821
To Peter Hagner concg. Genl Simon Perkins of Warren

L. CASS TO POST MASTER GENERAL.[93]

[Library of Congress—Schoolcraft Papers—1821.]

Detroit Jany 15. 1821

Sir,

I have the honour to acknowledge the receipt of your letter of the 27th.

[93]Draft.

ulto. I have transmitted the papers, enclosed to me, to John Stockton[93] Esq at Mount Clemens, who, I presume, will accept the appointment of Postmaster at that place and whose fidelity and capacity will give general satisfaction.

Very respectfully

Hon. R. J. Meigs
Post Master General
Washington.
[Indorsement]
Jany. 15 1821—
To the
Post Master General—

L. CASS TO R. J. MEIGS.[94]

[Library of Congress—Schoolcraft Papers—1821.]

Detroit March 2. 1821

Sir,

Mr. Abbott[95]* the Postmaster at this place has made an arrangement with Mess. Harmon and Metcalf, the mail contractors, which will render it unnecessary to supersede their contract, and which yet I trust will ensure a rigid performance of it.

I cannot omit tendering to you my thanks for the readiness with which every representation on the subject of a failure of the mails in this Territory has been attended to, by the General Post office, and for the wise

[93]One of the pioneer settlers of Mt. Clemens, and a member of the Pontiac Company. He was first clerk of Macomb County court, and first postmaster at Mt. Clemens. He afterward was elected to the State Legislature. In the extension of the postal system the post-office Department, in the absence of other means, was frequently compelled to send blank commissions to a postmaster at the end of a route with directions to bestow it upon some competent and trustworthy person at a more distant settlement. In the above case, Governor Cass was called upon. For example see enclosure to a letter from R. J. Meigs to Gov. Cass Nov. 14, 1821, below. (J. S. F.)

[94]Draft, endorsed, "Conc[erning] the Mail Contracting." (J. S. F.)

[95]Robert Abbott, merchant and trader, was postmaster at Detroit from 1806 till 1831 when he was removed for political reasons, and John Norvell appointed. (J. S. F.)

*This is all wrong. Robert Abbott was a son of James Abbott, Sr., and brother of James Abbott, Jr., the postmaster of Detroit. Robert was Territorial Treasurer, Auditor of Public Accounts and first Auditor General of Michigan. He lived some time at Mackinac and was connected with the fur trade. He died in 1852.—C. M. B.

and decisive measures, which have always been taken to remedy evils, which are necessarily incident to such an extended establishment, and as far as possible to prevent their recurrence.

Very respectfully, Sir,
I have the honour to be
yo. obt Servt.

Hon. R. J. Meigs
Post Master General.
[Indorsement]
Mar 2. 1821
To R J Meigs
Post Master Genl.
Concg. the Mail Contracting—

L. CASS TO AMOS LAWRENCE.[96*]

[Library of Congress—Schoolcraft Papers—1821.]

Detroit April 6, 1821

Sir,

I have the honour to acknowledge the receipt of your letter of Jany. 13th. Being directed to me at Washington, it did not reach me till some time after it was written.

By answering specifically the questions, which you have proposed, I shall communicate to you the best information in my power upon the subject, to which you refer.

An act of Congress of April 1806 appropriated 10.000 acres of land for the purpose of enabling the Governor and heads of this Territory to adjust the titles of land in the old Town of Detroit, then recently burnt, and to lay out a new Town. The residue of this land the officers were authorized to dispose of and to apply the proceeds towards the building of a Court house and Gaol.[97] In the execution of this trust the debt due

[96]Draft, endorsed "Conc[erning] the debt ow [in]g Mack and Conant from the Territory" Amos Lawrence, (1786-1852) brother of Abbott Lawrence, the founder of Lawrence Scientific School at Harvard was a leading dry goods merchant in Boston and bore a leading part in the establishment of cotton manufactures in New England. He retired from business with a large fortune in 1831, and during the rest of his life made large donations to educational and charitable institutions, amounting to many hundred thousands of dollars. He gave some books to Hillsdale College. (J. S. F.)

*The Lawrences were interested in Detroit from loaning money to Judge Woodward on his real estate.—C. M. B.

[97]See Campbell, *op. cit.* p 243.

to Mess Mack and Conant and which has been assigned to you was incurred.

A portion of the land has been sold, and the proceeds rec'd have been applied to the purposes for which the trust was created. A part of the purchase money is yet due.

There are no debts, which have any claim to priority. They all stand upon the same ground.

There is no obligation upon the Territory to pay these claims,[98] nor is there any fund, except the one I have mentioned, from which payment can ever be expected.

Much the larger part of the land yet remains undisposed of and certainly is worth a great deal more than the amount of the debts, which have been incurred. But such is the general depression of every kind of property compared with money, that it is difficult to give a decided opinion respecting the immediate or eventual payment of this debt. It is my own clear conviction, that the land will finally pay all the debts which are due, but were it sacrificed by a forced sale, it would at this time bring but little compared with its real value.

It is impossible to make an immediate arrangement, by which the regular payment of the interest will be ensured.

I would recommend to you to constitute Mess. Mack and Conant your Agents, and to authorize them to take land in payment of the debt. I am satisfied,that you will by this course realize your money sooner than by any other measure.

Very respectfully
I am. Sir,
y. o obt

Amos Lawrence Esq

[Indorsement]
April 6. 1821
To A. Lawrence
Concg. the debt owg Mack and Conant
from the Territory—

[98]The Territory assumed these debts eventually by Act of the Legislative Council. (J. S. F.)

L. CASS TO PETER HAGNER.

[Library of Congress—Schoolcraft Papers—1821.]

Detroit April 14. 1821

Sir,

At the request of Col. Williams,[99] the owner of the within claims, I transmit them to your office. Upon some of them the remarks are illegible, and upon others it is not known how far it is intended they shall extend. One of these accounts is for a Seine. It is stated in the remarks upon it, that there was no regulation which authorized the purchase of a Seine. But it should be observed, that this purchase was in 1814, during the worst period of the war, at the most remote fort upon this frontier in an exhausted country, and where it was next to impossible to procure provisions in the winter. It appears to me to have been a measure, justified by every consideration, as well of prudence as economy. In the months of October November large bodies of white fish ascend these straits from Lake Erie to Lake Huron. These fish resemble the shad, and are caught in great abundance in seines. They are salted, and form a considerable object, not only for domestick use, but for exportation. Some thousands of barrels are annually taken.

The necessity for the measure is stated in the certificate of Lt. Butler, and this necessity existing, would any commanding officer have been justified in neglecting to take such steps as were in his power, to prevent the soldiers at an exposed post, for the safety of which he was responsible, from starving or disbanding, because he could not find in the book of regulations, any permission to purchase a seine? It is impossible to prescribe all the articles, which it may at times be necessary to be purchased. I doubt if the words ferry boat or toll bri[d]ge or turn pike gate are mentioned in the regulations and yet the necessity of making payments on these accounts is apparent and would I presume be justified. Regulations must of course be general, and their application to particular cases must be matter of sound discretion. When this discretion is not abused, I see no reason for refusing to pay a claim, which has been credited by it. If the purchase were proper, why require from the seller proof of the subsequent disposition of the property. It appears to me to invert all the established principles upon the subject. The power of the

[99]Draft. John R. Williams, first elected mayor of Detroit, and for many years Adjutant General of the Territorial Militia. For a general review of his public services, see *Mich. Pion. and Hist. Colls.* XII, 561-564, XXXI, 314-319, portrait p. 312.

seller over the property ceases with the sale. To require from him any proof [of] the subsequent disposition of the property, is to say, that the property may be so disposed of, by the purchaser subsequently to the sale, as to affect the right of the seller to his payment. How this can be I do not see. If the control of the seller over the property ceases with the sale, of course his responsibility ceases with respect to the subsequent disposition of it.

In some of the accounts it is required, that a certificate should be given at the time. Is such a rule adopted without limitation and without variation? Will no proof supply this deficiency? Because the officer happened to be negligent or the person rendering the service or selling the article ignorant, will the United States retain the consideration without rendering the equivalent! Had such a rule been previously promulgated, it would have appeared more just. But now it is a mere official rule in the examination of accounts, operating upon contracts made years previous, and excluding any other kind of proof. It will operate with the greatest severity upon those who are least able to bear it. Upon those who have worked for a few days, or who have sold some trifling article to the Agents of the Government. Others, whose demands were large, probably procured the worth of them at the time of the contract. From the highly respectable character and standing of Col Williams, there is no doubt, but that he paid, as he says he did, the full value for these papers.

It is only necessary to add, that the remarks made upon these accounts were cancelled before they were handed to me.

Peter Hagner Esq
3d Aud. Treay.
[Indorsement]
April 14. 1821—
To
Peter Hagner
enclosg the claims of Col Williams

L. CASS TO HON. EDWARD TIFFIN.[100]

[Library of Congress—Schoolcraft Papers—1821.]

Detroit May 5th 1821

Dear Sir

I received your letter by Mr Wampler[101] and I am glad to find that he

[100]Draft.

[101]Joseph Wampler of Ohio, surveyor previously employed in subdividing Ranges 10 and 11 in Oakland County. (J. S. F.)

has instructions to complete the surveying undertaken by Mr Hasler(?)[102]. I wrote to you some days by Mr Ball[103] who left here for Chillicothe, but on the road he met Mr Wampler, and returned with him. Of the circumstances attending the disappearance of Mr Hasler for so long a time I know nothing. That the period which has elapsed since his arrival here, has passed away without any profitable result, is certain, and this result is to me a clear indication, that the task, which he undertook, is one which he could not perform. The respectability of the persons who recommended him, takes from you all responsibilities upon the subject, and I have no doubt but that the work will be now well and speedily executed.

Hon Edward Tiffin
Surveyor Genl.
[Indorsement]
May 5. 1821—
To Mr. Tiffin
Concg. Mr. Wampler etc.

L. CASS TO JOHN W. JOHNSON.[104]

[Library of Congress—Schoolcraft Papers—1821.]

Detroit June 10. 1821

Sir,

I transmit this letter to you by the way of St. Louis, presuming that it will reach you sooner than by Green Bay.

I have received your communication of the 1st of February and of the 19 of April.

As far as proper commissions have been issued in conformity with the nomination made by your citizens.[105] These commissions are sent by the way of Green Bay, being too heavy to transmit by mail.

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[102]Dr. Hasler or Hester. Captain Hervey Parke of Pontiac gives the latter name, but *ante* Cass to Tiffin, Nov. 7, 1820. It appears that the young man referred to had passed the winter indolently at an Indian village near Pontiac, and had set off for Ohio in the spring accompanied by a party of Indians of both sexes. *M. P. & H. Coll.* III. 575. (J. S. F.)

[103]Horatio Ball son of Daniel Ball, settler near Pontiac. The son was a surveyor. *Mich. Pion. & His. Colls.* (J. S. F.)

[104]Draft. John W. Johnson of Maryland, came to Prairie du Chien prior to the war of 1812 as U. S. Factor. He was commissioned Chief Justice of Crawford County, May 12, 1819. (J. S. F.)

[105]This was Cass's custom as far as practicable. When Crawford County was organized in 1819, he sent blank commissions by Col. Leavenworth, and a meeting of the principal inhabitants of Prairie du Chien was held at the house of Nicholas Boilvin to choose county officials. *Wis. Hist. Colls.* II, 115-116. (J. S. F.)

I have received from Mr. Boilvin[106] no formal resignation of his office of Associate Justice. Presuming however from the tenor of your observations, that it is his wish to quit the office, I have forwarded a Commission in favour of Mr. Rolette.[106½] This Commission however I will thank you not to deliver, until you receive from Mr. Boilvin an unequivocal declaration of his wish to vacate the office. Certainly if he has the least desire to continue I should be very unwilling to take any step with respect to the appointment of a successor. As the offices of Associate Judge and Coroner are incompatible, I could not appoint Mr. Rolette to the latter. I therefore forward a Commission for Mr. Bernard(?)[107] trusting that he will accept it. As you state, that Mr. Finley[108] is desirous of continuing in the office of Clerk, I will thank you to inform him, that I have not accepted his resignation, and that he may proceed in the execution of the duties of the office.

The Court of Quarter Sessions is abolished, and consequently no Clerk can be appointed. The duties of that Court are transferred to the County Commissioners.[109] I forward to you by Green Bay one complete copy of the laws.[110] Almost all the copies are sent to Buffalo to be bound. As soon as they are returned a number of copies will be sent to your County. You will observe on examining the act entitled "An [Act] respecting the Counties of Brown and Crawford,"[111] that your request respecting the money upon licenses in your County has been anticipated by the Legislature. No Territorial tax is to be collected in your County, but the whole is to be paid into the County treasury, for County purposes. By comparing together the act I have mentioned, together with act establishing

[106]Nicholas Boilvin was a Canadian of French extraction at this time trade and Indian agent at Prairie du Chien. He had previously held a commission as Justice of the Peace when the place was part of Illinois territory. He died in 1824. *Ibid* II. pp. 122, 126, 144, 150. (J. S. F.)

[106½]Joseph Rolette was at Prairie du Chien as early as 1804. He held sway over the French inhabitants and voyageurs, and was exacting in his requirements; his will was arbitrary, his word law, and the people feared him more than death. He was educated for the Catholic Church and officiated at one time as chief justice. In the capture of Mackinaw in 1812 he took an active part against the Americans commanding a company of Canadians. He raised a company for Colonel McKay's expedition against Prairie du Chien, and bore the despatches to Mackinaw after its surrender. He died at Prairie du Chien 1841. From volume of accounts of the American Fur Co.

[107]Or Menard.

[108]John L. Findley, appointed Clerk in 1819. He was for a time employed by Alexander McNair, afterward governor of Missouri, in his trading establishment. He married a half sister of Joseph Rolette and attempted to trade at Prairie du Chien independently but failed. (J. S. F.)

[109]By Act of May 30, 1818. *Territorial Laws* II, 130; see also Webster Cook, *Michigan, Its History and Government* p. 175. (J. S. F.)

[110]This was the third Code in order of Michigan laws. It was printed in 1821 by Sheldon and Reed at Detroit, in accordance with an Act of Congress, Apr. 24, 1820. It is reprinted in *Territorial Laws*, I, 341 *et seq.* (J. S. F.)

[111]Act of Sept. 10, 1819. *Territ.* Laws 1, 447. (J. S. F.)

County Commissioners, and the act providing for the collection of a territorial tax upon stores, taverns etc, you will have before you the whole subject of revenue.

The term of your County Court[112] has been changed, agreeably to the request of your Citizens.

I presume, that the U. S. Factor is not liable to any tax for trading on the part of the United States.

I see no objection to your using any appropriate seal for the Probate Court, which you may think proper, until one is sent to you for that purpose.

The existing law on the subject of selling whiskey to the Indians is sufficiently rigid and penal. It is only necessary to enforce it, and a discontinuance of the practise will be ensured.

I am etc

John W. Johnson Esq
Chief Justice of the Cts County Crawford Cts
Prairie du Chien.

[Indorsement]
To J. W. Johnson June 10. 1821

L. CASS TO SECRETARY OF THE TREASURY.

[Library of Congress—Schoolcraft Papers—1821.]

Detroit June 16. 1821—

Sir,

There is a prospect of an immediate and considerable accession to the population of this Territory.[113] Emigrants who are now arriving here, direct their attention to the Country upon the Saginaw bay and River. It is very desirable, that they should be enabled to purchase as speedily as practicable. They are now exploring the Country, and are anxious to make their selections, before their return for their families. One surveyor has already made considerable progress in running the exterior lines of the thirty Townships directed to be surveyed, and another is actually

[112] One session of the County Court was to be held for both counties, Brown and Crawford, yearly. Each of the other Counties held court twice a year. *Ibid* I, 822. (J. S. F.)

[113] Draft—By the Act of Congress, Apr. 24, 1820, the price of land was lowered to $1.25 per acre, and the purchaser could buy as little as eighty acres. This in connection with industrial depression in the East augumented emigration greatly. *Stats. at Large*, III, 566. For its effects on Michigan see Thos. J. Drake, *History of Oakland County*, in *Mich. Pion. and Hist. Colls. III*, 567. (J. S. F.)

engaged in the subdivision of five of those Townships. In a letter, which I recently received from the Surveyor General, he informed me, that the work should be completed as soon as possible and that the surveyors, to be employed in the subdivision of the other Townships, were already appointed. Under these Circumstances, and taking into view the importance of a settlement in that quarter, and its remote situation I venture to request, that some day in September, say the middle of the month, should be fixed, upon which such portions of these Townships, as are then surveyed, may be offered for sale. I presume their could be no objection to the issuing of the Presidents proclamation upon this subject immediately, and when the day appointed for the sale arrives, if the survey's and returns are not in such a situation, as to enable the Officers to proceed, the worst, that could happen would be an indefinite postponement, and the necessity of issuing a new proclamation. This, I presume, would be of little importance, when compared with the object, to be attained, more particularly as neither the interest of the United States, nor of individuals would be affected. But I trust, that an entire postponement of the sale could not be found necessary. The proclamation might require that such parts of the thirty Townships, which have been directed to be surveyed in the Saginaw Country, as may be prepared for sale, upon the day fixed therein, should then be offered for sale. If the whole tract were then ready, it could all be offered for sale. If a part of it only were ready, that part would of course be offered. There can be no doubt, but that the five Townships now subdividing, will then be prepared for sale. How much more will be in that situation, I am not able to determine. But even this quantity would be of incalculable advantage in the settlement of the Country. It would enable the emigrant to prepare for a winter crop, do work upon the land during the season, and to commence his operations early in the Spring.

A [nucleus] would thus be formed, round which the settlement could increase with comparative ease and facility. The importance to an emigrant of finding provisions and other necessary articles in the immediate vicinity of his location, instead of being compelled to transport them Sixty or Seventy miles, which is the nearest approach, that white settlers have made to that Country, may be easily appreciated.

Independent too of these views there is another consideration connected with this subject, not to be overlooked. When the zeal for settling any particular section, of Country is excited, it is important, that it should not be checked.[114] Emigration appears to flow in temporary channels.

[114] Acting on these opinions, Gov. Cass, Sept. 10, 1822, laid out six counties, four of them in the region under discussion. These were to be organized as rapidly as population warranted. *Territ. Laws*, I, 330. (J. S. F.)

Obstruct one of these, and the current will be diverted elsewhere, and perhaps not make its reappearance again for some Years. I feel myself, in common with all the citizens of this Territory, a deep solicitude upon this subject, and I trust therefore, that you will excuse any suggestions which I have made. I am authorized on behalf of the Officers of the land office to say, that they concur with me in the views, which I have taken.

Very Respectfully

Yrs etc. etc.

Hon. W. H. Crawford)
Secretary of the Treasy)

[Indorsement]
June 16. 1821
To the Secretary of the Treasury

WM. WOODBRIDGE (ACTING GOVERNOR)[115] TO FANCOIS NAVARRE[116*]

[Library of Congress—Schoolcraft Papers—1821.]

July 17th. 1821

Sir,

Nearly two weeks have elapsed since some people have given me occasion to believe that in a very short time I should have the Honor of receiving a communication from you, on the subject of certain grievances which have taken place against certain ones of your Militia Officers—until the present time I have not had that Honor and I should rather have waited until I had received your communication: (your news)if I had not heard told, that a great many people had conceived the false idea—that during the absence of Governor Cass.—no remedy could be found for such evils—it is very true that it would give me a great deal of pain to find myself obliged, even in the least of things, to interrupt the course of his policy (politique)—but since I find myself in his absence cloathed [sic] (revêtu)with all the Executive authority of Government, I will indeavour, however painful it may be to do my Duty—for the rest it is not necessary, that at present, I should say more—

[115]A. L. S. This letter is included because William Woodbridge, Secretary of the Territory, was at the time Acting Governor, in the absence of Cass. The latter was at this time attending the Chicago treaty. (J. S. F.)

[116]Francois Navarre was a man of considerable influence in the Raisin settlement before the American occupation in 1796. The support of the French element here and elsewhere in the Territory was an affair of importance to the success of any candidate. (J. S. F.)

*For François Navarre see Legends of le Detroit, p. 309.—C. M. B.

I have learned with a great deal of pleasure Sir, that you have avowed your determination to give Mr Sibley[116½]* your vote (voice)—and the more to exercise in his favor your influence to retain him in his place of Representative to Congress— In the circumstance where we are, it is really of the greatest importance to the Territory that we should elect for this *place* (office) a man of merit and of genious (sic).—and moreover *over and above* (surtout), a man whom we know for a man of good sense, of an approved probity, who knows well the inhabitants, and the affairs of the Country, and who would industriously lend himself and with a good heart, to these Interests.— If I am not greatly mistaken, such is the character of Mr Sibley.

Nevertheless there are actually so many Candidates and so many Cabals, that it is become difficult to imagine what on that subject will be the result.—

The County of Monroe shall without doubt aspire to the Honor of deciding the affair—Have the goodness to consider that this Letter is not official, but simply a letter of friendship and of confidence and that I am Sir, with a great deal of Consideration and of Respect

Your very humble servant

signed Wm. Woodbridge

To Frs— Navarre Esqr—

THOS. SMITH[117] TO WILLIAM WOODBRIDGE.

[Library of Congress—Schoolcraft Papers—1821.]

[26 July, 1821]

To the Honble. William Woodbridge
acting Governor of the Territory

My private affairs call me away. The Book Plan* and the General Plan I leave in my office at Mr Cote's where they are safe, to be delivered to your order when required. The Survey of the City is made once more

[116]½Solomon Sibley, successor to Woodbridge as delegate, was re-elected and served till 1823. (J. S. F.)

*Solomon Sibley was a candidate for the office of Delegate to Congress. The first delegate from Michigan Territory, was William Woodbridge, elected in 1819, for the term of two years. He already held two territorial offices, Secretary and Collector and the election to a third office caused so much unfavorable comment that he resigned as delegate in 1820 and Sibley was elected to fill the vacancy as well as the new term the succeeding year.—C. M. B.

[117]A. L. S. Thomas Smith, surveyor, spelled his name with an i—Richard Smyth with a y.—C. M. B.

*The plan referred to in this letter has been lost.—C. M. B.

regular, as much as it is in my power so to do—and with a little more work, it may be so as to require no further Surveying. I shall be absent perhaps two weeks. My expenses I hope will be paid, leaving my own remuneration to future consideration.

I have the Honor to be
Sir
Yours very respectfully
Thos Smith
Detroit 26 July 1821.

[Indorsement]
Thomas Smith conc)
City Surveys.
July 26. 1821

POSTMASTER GENERAL TO. GOV. CASS—ENCLOSURE.[118]

[Library of Congress—Schoolcraft Papers—1821.]

General Post-Office,

Washington City, 14th. November. 1821

Sir,

From the information I have received, I conclude it will be agreeable to you to accept of the Office of Post-master at Shelby, Michigan Territory

I herewith send you a copy of the law for regulating the Post-Office, a key for opening the mail, and forms and directions conformable therewith. The inclosed bond you will be pleased to execute, with a sufficient surety or sureties, and then return the same, together with the oath, or affirmation, after it has been duly certified by the justice of the peace before whom you shall take and subscribe it: when they are received at this office, a commission will be duly forwarded.

After executing the bond, and taking the oath, you may proceed in the duties of the office without waiting for a commission.

I am, sir,
Your most obedient servant,
R. J. Meigs Jr.

[118] A. D. S. Endorsed—"From R. J. Meigs, enclosing a blank commission for Post Master." The letter from Meigs to Cass is missing. For comment, see Cass to Meigs, Jan. 15, 1821 and note. (J. S. F.)

To Mr. x

You will please to state the distance your office will be from the nearest Post-Offices, on the direct route to this place, and their names. And observe, that no Post-Master is allowed to change the name by which an Office is established, without the previous consent of the Post-Master General.

x name of person appointed

[Indorsement]

November 14. 1821

From R. J. Meigs

enclosing a blank Commission for

Post Master

L. CASS TO SECRETARY OF PENNSYLVANIA.[119]

[Library of Congress—Schoolcraft Papers—1821.]

Detroit Dec. 28. 1821

Sir,

I have the honour to acknowledge the receipt of three copies of the laws of Pennsylvania, passed at the Session of 1820. 21. and transmitted with your letter of Oct. 10. 1821

Very respectfully

Andrew Grieg Esq

Secretary of Pennsylvania

[Indorsement]

Decr. 28. 1821

To Andrew Grieg Esqr.

acknowlg. the recept of 3 copies of the laws of Pennsylvania—

L. CASS TO GOVERNOR OF NEW JERSEY.[120]

[Library of Congress—Schoolcraft Papers—1821.]

Detroit Dec. 28. 1821

Sir,

I have the honour to acknowledge the receipt of your letter of Nov 29,

[119] Draft.

[120] Draft.

accompanied by three copies of the revised laws of New Jersey, and three copies of the acts of the last session of the Legislature

Very respectfully

His excellency
Isaac Williamson
Governor of New Jersey.
[Indorsement]
Decr. 28. 1821
To Govr. Williamson
acknowlg. the receipt of the revised laws of
New Jersey

ORDINARY EXPENDITURES (PUBLIC) BY LEWIS CASS, NOV. 24, 1821 TO AUG. 6, 1822.[121]

[Library of Congress—Schoolcraft Papers—1821.]

1821

Nov. 24. Pursuant to instructions from the War Dept. drew upon the Secy of War, payable at sixty days sight at the U. S. B. B. New York in favour of John Johnston[122] Indian Agent at Piqua for $2400
This sum to be accounted for by him either by a special receipt or upon his former draft whereof [sic] is due, and a receipt in addition

Dec 7. Pursuant to the same instructions drew upon the War Dept. in favor of the Cashier[123] of the Bank of Michigan for..... ..... $16.600.

8. A check in favour of John Hays, Indian Agent,[124] on his drafts, 852.53 ?
dated Sep. 30. 1821..... $52.53

[121]A. D. S. Gov. Cass was ex-officio Supt. of Ind. Affairs in the Northwest. For an excellent statement of his manifold duties in this connection see Cass to Sect. of War, Nov. 26, 1828, below; also *A. S. P. Ind. Affs.* II, 400-401. (J. S. F.)

[122]John Johnston, Indian Agent at Piqua, Ohio, was born in Ireland (1775), came to America in 1786, was with Wayne in 1794, and U. S. Factor at Fort Wayne, 1798-1812. He then removed to upper Piqua as Indian Agent, where he remained till 1829. He should be distinguished from John Johnston of Sault Ste. Marie, also an Irishman. Thwaites, *Descriptive list of Manuscript Collections, etc.*, (1906) p. 90. (J. S. F.)

[123]James McCloskey. (J. S. F.)

[124]At Fort Wayne. (J. S. F.)

8 A check in favour of the Ottawa Chiefs, being the balance due on account of their annuity for 1821.....$100.

11. A check in favor of A. Wolcott[125]* for the amount of his draft dated June 30th. 1821 for.....$775.01.

Dec. 13. A check in favour of Augustin LaFoy[126] for his pay as Armourer from 1st Jany to 30th June 1821 inclusive (Voucher taken and transmitted previously.....$264.

14. A check in favour of John Biddle[127] for amt of his draft dated Oct 20. 1821 .....$398.74

18. A check in favour of Peter Godfroy[127½] for certain articles of merchandise furnished the Indians by order of Mr Woodbridge .....$411.

18.[128]

19. A check in favour of Mess Mack and Conant for coal furnished $91.75

20. A check in favour of D. C. McKinstry for storage of goods on acct of the Saginaw treaty from July to Oct. 1819.....$15.

24. Check in favour of John Johnston for this sum, on acct. of the expenditures of his Agency, and for which the receipt of the express is taken, and Mr. Johnston is to transmit his receipt $1500 Mr Johnston is also to transmit this sum being the balance due in addition to his draft of April 12. 1821 amounting to $4429.75, of which $2400 was remitted to him formerly and $2400 in a draft on the War Dept from Zanesville..$370.25

24. Drew a draft upon the War Dept. payable sixty days after sight in favour of John Johnston for this sum, for which the express has given his receipt, and for which Mr. Johnston is to transmit his receipt. This sum closes all the demands upon his agency for the year 1821. Not being instructed to draw the draft, Mr. Johnston has been directed not to negociate [sic] it, but to send it on and to await its payment receipt *of the express* Peter Hammil taken.....$2858.98

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[125]Indian Agent at Chicago; accompanied Cass on his exploring tour of 1820. (J. S. F.)

*Dr. Alexander Wolcott succeeded Jouett as Indian agent at Chicago. He married Ellen Kinzie July 23, 1823, the first wedding occurring in Chicago. He accompanied Gov. Cass on his exploring trip, 1820. He left a journal of the weather compiled in 1820. He died in 1830, his widow afterwards married George C. Bates of Detroit and died there Aug. 1st, 1860.—C. M. B.

[126]See *Mich. Pion. and Hist. Colls.* IX, 473, 485. (J. S. F.)

[127]At this time Indian Agent at Green Bay; succeeded Aug. 1822, by Henry B. Brevoort. (J. S. F.)

[127½]Peter and James Godfroy conducted a trading post at Coldwater, Mich. See *Mich. Pion. and His. Colls.* Vols. II, p. 564; III, 614; XIV, 546, 547.

[128]Crossed out: "A check in favor of J. B. Allard for his services 1 month." (J. S. F.)

24. Check in favour of Peter Hammil for 16 days service for himself and horse from Piqua to Detroit and returning as an express at two dollars a day, and including $5.31 expenses while at Detroit $37.31

28. Check in favour of Peter Godfroy for goods del'd to the Potawatamies at their request at the treaty of Chicago, which is paid out of their annuities for 1821, the voucher for which was taken at that time, amounted $1450, and also for $700 paid to the Ottawas in the same manner.....$2150

1822

Jany. 2 Check in favour of A. G. Whitney as translator to the Ind Dept from July 1. to Dec. 31 1821 inclusive.....$50.

3 Check in favour of C. C. Trowbridge for 15 days services on going to Saginaw and assisting to pay the Chippeway annuities at three dollars per day.....$45.

Jany. 5 Check in favour of Alexander Wolcott for amt. of his draft in my favour upon the secy of War. for expenditures at his Agency for the quarter ending Sep. 30, 1821.....$769.79

Jany 5. Check in favour of T. Wendell and Co for the amt of $1500, which added to the sum of $1750 and of $2000, which were paid in New York amounting to $5250 is the amount, adding thereto $1293.52 for which a draft has been drawn upon the War Dept, for goods delivered to the Indians at Chicago $1500

5. Check in favour of George Boyd[129] for amt of his draft in my favour upon the Secy of War for expenditures at his Agency, dated Aug. 22. 1821.....$241.

5 Check in favour of G. Godfroy for his pay and emoluments as sub Agent and Interpreter[130] from 1 Jany to 30th June 1821, the voucher for which was taken and carried by me to Washington and a certificate of the amt was given to G. in Feb. last, which he has lost, and for which he has given his receipt this day .....$491.

8th. Check in favour of P. J. Desnoyer[131] for his store account amtg. to) 40.77¾

[129]Indian Agent at Mackinac. (J. S. F.)
[130]At St. Joseph's. (J. S. F.)
[131]Mich. Pion. & His. Col. I, 475. (J. S. F.)

R. A Forsyth's[132] account has been made and receipted and no check given, but was charged to Gov. Cass, in Forsyths account against the Gover. amounting to.....$494.00

Jany 15 George Boyd's draft for $145.44 dated Dec. 1. 1821 in my favour upon the Secy of War, of which there has been paid $20 leaving due the residue.

15. Check in favour of Jean M. Beaubien[132½] for the amt. of his account for the Indians crossing the toll bridge[133] over the river Huron between the 1 May 1820 and May 1. 1821..$25.

17. Check in favour of Paul Clapp for hats furnished.....$10

17. Check in favour of W. Knaggs for keeping an express.$2.25

Jany 21. A check in favour of David Henderson for his services from 1st Jany to 30th June 1821 as blacksmith to the Indian dept. 184 days at $1. per day and for a striker for the same time at $18 per month .....$292.

21. Check in favour of W. Woodbridge for this amount advanced to John Riley[133½] express to Mackinac.....$10.

23. Check in favour of L. Dequindre for merchandize furnished at various times $181.50

Feby 7. Check in favour of John Biddle for the amount of his draft in my favour upon the War Dept dated Nov. 6. 1821 for..$320.

Feby. 14 —Check in favour of Seth Dunham for work done on Jo. Parks House)[134] 18.00

25. Francis Audrain's acct for express and services in transporting specie from New York to Detroit for the payment of annuities .....$271.90.

($26.59 due to F. A. since paid.)

April 20. To a check in favour of Captn. Burham for transportation of Specie annuity due the Potawatomies for the years 1819. and 1820 .....$6.00

April 30th To a check in favour of Captn. Saunderson for 18 panes of glass and for setting the same in the Council House).....4.05

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[132]Sub. Agent and interpreter, attached to the Governor's person in secretarial capacity. (J. S. F.)

[132½]Jean Marie Beaubien, builder in Detroit.

[133]By Act of Governor and Judges, Apr. 6, 1817. Gabriel Godroy was authorized to bridge the Huron where the Detroit road crossed it and to collect tolls. *Territ. Laws*, I, 295. (J. S. F.)

[133½]John Riley, Indian half-breed built second house in St. Clair and active in Indian transactions. *Mich. Pion. and His. Coll.* Vol. VI, 412; XIII, 505.

[134]In the abstract of Gov. Cass's account, this item runs, "For carpenter's work done on the house of Joseph Parks, a Shawanese Indian." *A. S. P. Ind. Affs.* II, 400. (J. S. F.)

June 19. A check in favour of Maj Biddle for the expenditures of his agency for the first half of 1822.....1500.

June 21.[135] A check in favour of Col. Boyd for two drafts, dated Octr. 1. 1821—One being for $659.85 for the purchase of the St. Martins Island and the other for his salary amtg. to $637.20..... ..... $1297.05

June 21— A check in favour of David Henderson for his pay etc as Black-Smith and striker for the same time being up to the 31st Decr. 1821— 289.00

June 24. Check in favour of H. R. Schoolcraft[136] for $100. of which $82 were due to him as Secy of the treaty of Chicago and heretofore receipted for. $15 were advanced him on acct. of his agency and duplicate receipts given of this date.....18.

June 24— Check in favour of Alex Wolcott for his draft dated, June 18. 1822 for the expenditures of his Agency.....$2500.

" " Check in favour of Col Boyd for two dfts—dated Sept. 13 and Octr. 20 1821 for the expenditures of his Agency....273.50

" " Check in favour of Jno Hay's for two dfts—dated Jany 1. 1822 for the last quarter in 1821 and April 1. 1822 for the first quarter of this year.....1789.75

" " Check in favour of George Boyd being the balance due on his drafts dated Decr. 1. 1821 of which $20 was paid 15 Jany. 1822. amt. of draft $145.44—20 leaves.....$125.44

June 6. Check in favour of John Johnston for the expenditures of his agency for the first half of 1822. His drafts he is to transmit. A Draft was forwarded to him drawn in his favour upon the U. S. B. B N Y by the cashier of the Bank of Michigan, and enclosing letter this day and delivered to the express Jo. Parks and Col. McCloskey witnesses.

The Draft alluded to in this entry was recd. by the return of Jos. Parks this day July 12. 1822

June 26. Check in favour of Joseph Parks on account of his services in going express from Detroit to Wapaghkonetta[136½].....$6.

June 28— Check in favour of Whitmore Knaggs for his pay as Sub Agent[137] up to the 31st. Decr. 1821.....494.00

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[135]Note on the margin: "Mr. Crooks. (J. S. F.)

[136]At this time newly appointed Indian Agent at Sault Ste. Marie. Note on the margin, "receipts surrendered and this sum included in draft for $200, July 1." (J. S. F.)

[136½]Wapakoneta (Wapaghkonelta) was a place in Au Glaize county, Ohio, and took its name from an Indian chief who had a club foot, this being the Indian name for this deformity.

[137]At Saginaw. (J. S. F.)

July 1— Check in favour of Gabriel Godfroy for his pay as Sub Agent up to the 31st. December 1821.....494.00

July. 1. Check in favour of H. R. Schoolcraft for this sum on account of the expenditures of his agency at the Sault. His draft is for $200, but $18 were advanced June 24, as by an entry of that date .....$182.

July 3— Check in favour of Peter Godfroy for his acct. for furnishing to Wyandot Chiefs—$11.23 Navarre for boarding Do. Do. $25—Bonavanture's[138] recd. for his services as Interpreter for Delawares $8—and Chabert and Cadeux for their services a. $13.50 amtg—to 71.23

July 3. Check in favour of O. Wait for this sum, for work and materials upon the Council house.....44.74

July 6— Check in favour of P. J. Desnoyer for the amt. of Jacob Smith's account for Smiths services[139] from the 1st May 1821 to the 31st. October 1821.....$180.00

" " Check in favour of George Boyd for the amt. of his draft dated Octr. 15th. 1821 on acct. of expenditures for his Agency..... ..... $123.50

July 8.[140] Check in favour of George Boyd for the amt. of his draft dated Octr. 1. 1821 on account of the expenditures for the years 1820 and 1821 .....436.15

July 9th. Check in favour of P. Provincial[141]* for the amt. of his acct. for services as BlkSmith at Saginaw from the 1st. of January 1821 to the 31st. of March 1822.....$455.00

" " Check in favour of Alexis Campau for 3 days services himself and horse 3.00

July 10 1822 Check in favour of George McDougall for services. taking charge of the Council house, acting as Attorney and Justices, and translating from Oct. 1. 1821 to June 30 1822.....$108

July 10 Check in favour of Harpice Johnson for transporting from Green Bay and Mackinac to Detroit sundry articles for the Indian dept. .....$14.50.

July 12. Check in favour of George Boyd for his draft in my favour upon the Secretary of War $285.25 dated August 23. 1821. given to Palmers (?) $285.25

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[138]"For eight days' services and traveling from river Raisin to Detroit, as an interpreter." *A. S. P. Ind. Affs.* II, 400. (J. S. F.)

[139]Cf. *A. S. P. Ind. Affs.* II. 400. (J. S. F.)

[140]Note on Margin "Mr. Crooks." (J. S. F.)

[141]Or Pierre Provinsalle. (J. S. F.)

*Should be Pierre Provincal, a well-known citizen of Detroit.—C. M. B.

July 13— Check in favour of Augustin Lafoy for his pay up to December 31. 1821— 267.00

13. Gave Mr. Sibley a memorandum of this amount due to him on a final settlement, including the sum rec'd by him at the Bank. the amount of his compensation, the sum by him paid into Bank, and the sum due in the settlement with Mr Knaggs(?) on acct of Booten (?) .....$310.
Mr. Sibley gave his due bill for this amount due from him individually .....330.

July 13. Check to William Belcher for 2 Kegs of Tobacco 250 at 8cts. 20.48

July 19— Check to Peter W Knaggs for his services under the stipulation of the Saginaw treaty, providing for persons to teach the Indians Agriculture etc. etc. 1 mth at $12 per mth.....12.00

July 17— Check to Francois Bellanc for transportation of 1434. lb. of provisions, Iron and Steel for the Blacksmith at Saginaw $1. .....$14.34

July 18. An order on H. J. Hunt[141½*] for this amount being the sum due to R. A. Forsyth for his services as Sub Agent and Interpreter from Jany 1. to June 30 1822 inclusive, together with $30.61¾ being a balance due from him to me. Amount of the order $466.32 Amount of the account.....$491

July 19. An order on Col. Hunt in favour of Louis Beaufait[142*] for the amount due to him for occasional services as interpreter from 31 March 1820 to 1 July 1822 and for going to Saginaw to pay off the annuities.....$240

July 19 A check in favour of R. A. Forsyth for this sum advanced him on account of his journey to New York for the annuities $100

19. Delivered to R. A. Forsyth two drafts from the Treasurer of the United States upon the U. S. B. Bank at New York one for $14.800, and one for $7000. of this amt $20.800 are to brought to this place in specie by him and at the risk and expense of the United States for the payment of Indian annuities here and at Chicago for 1822, and for this amount his duplicate receipts have been taken. The residue being $1000 is to be deposited in the Branch Bank there in favour of the Bank of Michigan, after deducting what may be necessary for his use.

[141½*]Henry Jackson Hunt, second mayor of Detroit, died 1826.—C. M. B.

[142*]Louis Beaufait, prominent French citizen, member Constitutional convention of 1835.—C. M. B.

20. Gave an order on Col. Hunt for this amount in full for the drafts of Mr. Stickney,[142½] Sub Agent at the Miami, dated July 12. 1822 .....$500.

Aug. 2. Took Mr Whitney's receipts for his services as translator from Jany 1. to June 30. 1822.....$50
Took the same for services from 1 July to 30 Sep. 1822..$.25
Paid Sep. 28. 1822.
Gave a certificate for the above to A. G. Whitney payable out of the first funds received for the department.....$75

5. Check in favour of Antoine Bowyer[143*] for two month's work for the Indians farming[143½] from May 23. to July 23 1822 at $15 per month .....$30.

5. Employed D. E. N. Corbin to work for the Indians at Flint River at $18. per month, and gave him an order on Col. Hunt for one barrel of Pork and three barrels of flour to be delivered at Saginaw, and to be deducted from his wages.
Received from Mr. Johnston his receipt for this sum $4729.23 in which is included the following sums advanced to him
His draft of Ap. 12. 1821, for $4429.75 of which was paid to him May 8[144] (?) 1822.....$24.00

Leaving due this sum 202975

$6758.98

Draft upon the War dept. dated
Nov. 24. 1821 2400
Check upon the Bank of Michigan Jany 5 1822.....1500
Draft upon the War dept. dated Dec. 24. 1822..2858.98

$6758.98

This closes all official pecuniary concerns with Mr. Johnston.

Aug. 6. Check in favour of Victor Moross for a horse for the Chippewa Indians agreably to the provisions of the treaty of Saginaw, to be employed in farming $30

" " Check in favour of Indian Foston for a horse for the Chippewa Indians, to be employed in farming agreably to the provisions of the treaty of Saginaw.....$28

[142½] Benjamin F. Stickney. (J. S. F.)
[143*] Antoine Boyer, French citizen of Detroit, and large land owner on the east side of the present city.—C. M. B.
[143½] Under Saginaw treaty. (J. S. F.)
[144] Or May 5th. (J. S. F.)

1822

Aug. 6. Check in favour of Isidore Moran for two horses for the Chippeway Indians, agreably to the provisions of the treaty of Saginaw, to be employed in farming.....$60

Aug. 6. Check in favour of Charles Chauvin for one horse for the Chippew Indians, agreably to the provision of the treaty of Saginaw ,to be employed in farming.....$30

Aug. 6. Charles Grosbeck for one horse for the Chippewa Indians, agreably to the treaty of Saginaw, to be employed in farming.$20

Aug. 6. Employed Francois Bellanc and Charles Bellanc to farm for the Indians at $18 per month, at Saginaw.

L. CASS TO GEORGE BOYD.[145]

[Smithsonian—Schoolcraft Papers—File Case A. No. 421.]

Detroit Sep. 26. 1822

Dear Sir,

I am happy to learn, that there is a probability of your adjusting your fiscal matters with the United States, in a manner satisfactory to yourself. I trust you will soon effect this desireable object.

I wrote you in the spring, that by a letter from the 2d Auditor I was prohibited from the payment of any money to you, and so particular was he, that I was required to forward an acknowledgement of the receipt of his letter. In your observations upon this subject you have not adverted to the law, which makes the prohibition. The civil list appropriation contains the clause you mention, that no money appropriated by that act or by the act making the military appropriation shall be paid to any person for his compensation, who is in arrears etc. But the act of May 7th making further appropriations for the military service, and which

[145]Draft. Col. George Boyd, Jr., (1779-1846) was born in eastern Maryland, son of George Boyd, Sr., who came from Scotland before the Revolution, and practiced law in Maryland. His public services embrace a period of thirty years, and were marked by high integrity. In 1811 he became private secretary to the Secretary of War, and in August, 1814, was sent with private dispatches to the peace commissioners at Ghent. In 1816 he performed a mission as purchasing agent for the War Department in Europe. In 1818 he was appointed Indian Agent at Mackinac and in 1832 was transferred to the Green Bay Agency. He resigned in 1840, and died Aug. 14, 1846. Of his wife, Mrs. Elizabeth T. Baird says: "Mrs. Boyd was a charming woman, her cultivation and style of manners far surpassing those of any here. She was a sister of Mrs. John Quincy Adams." Mr. Boyd was a gentleman of the old school and won the esteem of all those who knew him. His papers have been published in part by the *Wisconsin Historical Society* and are preserved in their archives. Thwaites, *Descriptive List of Manuscript Collections of the State Hist. Soc. of Wis.* p. 107; *Wis. Hist. Colls.* XII, 266-299 and notes. (J. S. F.)

contains the appropriations for the Ind. dept. provides, that no money appropriated by that act or by the act making etc shall be advanced or paid to any person on any contract, or to any officer, who is in arrears etc. You will see therefore, that the money now on hand, being appropriated by that act, cannot be paid upon your drafts, while you are in arrears. Money thus advanced by me would be charged to me, because the law makes no exception in favour of contracts executed or of debts contracted prior to its passage. All are excluded from the benefit of the appropriation because the money cannot be "paid or advanced" to the disbursing officer. Should the secretary accede to the proposition, which you have made, to annex each account to the draft, I shall with pleasure carry into effect his instructions. But he alone has authority to do this. To avoid the difficulty, which must result to your Agency, from this state of the funds destined for it, I offered to have the accounts taken in my own name under your direction, and paid by me. This would have obviated, as far as it can be obviated here, the present inconvenience. It would have however increased my pecuniary responsibility, and added to the mass of duties, and I trust you are satisfied, that nothing but a wish to promote your official and personal convenience could have prompted me to make the offer. I trust the object will yet be effected in the manner you propose.

Inclosed are transmitted certain forms in which your accounts will be hereafter kept. It will be necessary, that you should forward your quarterly estimates regularly, as the money can alone be remitted from the treasury upon them.

I am, Dear Sir,
With much respect,
Your obt servt.
Lew Cass.

George Boyd Esq
Indian Agent
Michillimackinac.

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J. MCDONELL TO GOV. CASS.[146]

[Smithsonian—Schoolcraft Papers—File Case A. No. 248.]

Detroit 4th. December 1822.

Page 1

Dear Sir,

I take the liberty of troubling you in relation to some of my own private concerns which has entirely grown out of my difficulty with the British Col. James which I knew long since from unquestionable authority, that I was indicted by the Grand Jury at Sandwich in the autumn of 1815 for the Offence of high treason at the special instance of Col James. his reason for being so earnest to procure an indictment (exclusive of his malignity of heart) was to justify the course he had taken towards me himself, and to bar any suit that I might ever afterwards attempt to bring against him, He therefore with certain other worthys succeeded in the object when terror prevailed over that section of the Country, upon which indictment I was afterwards shortly outlawed, altho I was alwise satisfied that my case was fully comprehended within the first article of the treaty of Ghent, (otherwise I should never have fallen within the hands of that monster) and that the whole proceedings against me was either coram non judice else a flagrant violation of a solemn treaty, yet I did not think or care any thing about it untill of late; when I found my interest very considerably affected by said proceedings. An uncle of mine died lately in lower Canada a very aged man and rich, and as far as I am informed in relation to his will, that I am therein named, and that something how small or great is bequethed to me, what amount or what it may be I know not, but it appears to be on condition as I am informed, vizt. that the forgoing impediment should be first removed, Independant of that, there are other circumstances that require that I should make every effort to remove that foul obstruction, for life is uncertain in this world with the young and the old, and such of our friends as may be advanced in years, one may expect their dissolution by the course of nature sooner or later. Should Mr. Smith for instance die, who has but two children in the world my wife and a son to whom he will naturally will his estate, the consequence in such an event, that none

[146]A. L. S. Endorsed: "from Judge Mc Donell respecting the persecution against him in Canada." In connection with this and the letter following, cf. supra, McDonell's deposition, June 20, 1815. (J. S. F.)

*For letters regarding this transaction see Vol. XVI. page 120. *Mich Pion. and Historical Coll.*

of the family living at home, could manage the estate to any advantage and with the present impediment in my way, it would be wholy lost to me and my children. I never made my application to the British authorities nor would I under any circumstances and if I did it would be all in vain. I am sensible of the many kind acts that you have already done me, and I hope that you will not think I am presuming on your goodness in calling your attention to this subject which is so interesting to me and will be to my children hereafter. I therefore place my whole confidence in you, being well assured that I could not apply to any other quarter that would be so efficient, and who I believe will effect all that is necessary. I have therefore prepaired a separate letter in which is enclosed my certificate of naturalization, presuming that it is necessary to lay the said letter in your communication before our secretary of state setting forth the grounds of my complaint

I had a number of letters heretofore from Mr. Woods on the subject from the tenor of which it appears the ground taken was that no native born subject can ever expatriate his allegiance, that my naturalization could not be considered, But in my own opinion admiting the doctrine to be correct, does not the first article of the treaty obliterate any act done in the late war which might be considered treason by the British Government? I must appologise to you for giving you this trouble to read over all the matter herein contained which so little concerns you. There is no news in this place but what I suppose you get more correct than I can give it to you, Politicks floats by dif't names Royalists Patriots demagouges Radicals etc. I am but an humble individual and it might be a presumption in me to offer any opinion, as to the consequence of a change in any shape in our present form of *Territorial* Government, and in particular if the prayer of the Petition[147]* is granted, if the angel Gabriel was to be sent here to govern us, he could not suit us all, for so many wild visionary projectures (sic) and speculative ideas are conceived and afloat, that no Governor in the world could keep pace with the whole. Should the change take place conformably to the prayer of the Petition, you may anticipate many difficulties in the administration of your Government which at present only peep and make a feeble effort; among the many laws projected and in contemplation by this august Body when in the plentitude of its functions, as I understand, will be to repeal that part of the corporation law which excludes the

[147]Solomon Sibley, Jan. 3, 1823, presented to Congress a petition that the Territory might be admitted to the second grade of territorial government. *Annals*, 17, *Cong. & Sess.*, p. 482. (J. S. F.)

*This petition is printed in Vol. 12, page 545, *Mich. Pion. and His. Coll.*—C. M. B.

Macomb farm (yours) from the ancient limits of the corporation[148] and to restore the water lots thereof for the use and benefit of the corporation: this with many other fine things is to be thus effected. I do not think myself that it would be for the benefit of the Territory, that Congress in any manner should interfere, for if a majority of the freeholders who have the greatest interest in the Territory are ready for a change, and prefer a representative form of Govt. they have the ordinance perhaps with all its obnoctious features to some, is the safest and most prudent course if any change at all is necessary, particularly so when we consider our small population, and the different materials of which that is even composed. Perhaps there may be some grievances now existing, but those are more imaginary than real.

A word as to the limit law: perhaps if something like a publick expression had preceeded its passage it would be more palatable, yet it is geting more popular, and I think myself in principle it is a righteous law: humane as it ought to be. I merely mention this circumstance, as I was told that a Gentleman was telling about the town that he had independance enough him-self to write to you relative to its unpopular effects; the gentleman's source of information is in-correct, and it was stated to me that he very improperly made use of my name, which was also incorrect in him. The result of my reflections in relation to the politicks of the Territory I merely communicate to you as a friend, that with the information that you will undoubtedly obtain from other sources will enable you to form a correct idea as to what may be best calculated for the happiness of its inhabitants

I am D sir
Yours very sincerely
John McDonell

His Excellency Gov. Cass

[Indorsement]

Dec. 4. 1822
from Judge McDonell
respecting the persucution against him in Canada.

[148]Cass had acquired the "Macomb farm" by purchase in 1815. For its location see Robert E. Roberts, *Sketches of the City of Detroit* (1855), map. By Act Aug. 5, 1824, the farm was included within the city limits. *Territor. Laws* II, 221. (J. S. F.)

J. MCDONELL TO GOV. CASS.[149]

[Smithsonian—Schoolcraft Papers—File Case A. No. 248.]

Detroit 4th. December 1822

Sir,

It occured to me some time ago that by the provisions contained in the Treaty of Ghent the indictments for treason which have been pending for a long time in Canada against me for the part I took during the late war, and which have been prosecuted to outlawry ought to have ceased. The words contained in the first article of that Treaty are very broad and very comprehensive, I subjoin a copy of them—and cannot but believe that as a matter of right I may claim that all those proceedings may be annulled, as I was about to State to you my views on this subject previous to your departure, I was inter[r]upted by your attention being called to other matters I wished much to interest your Excellency in my behalf on this Subject, I have a considerable interest and will have eventually a valuable property in Canada which unless som[e]thing can be done for me will be lost to me and my children for ever

If I could attain and save that property it would enable me to clear myself from all my embarrassments and leave me I hope a handsome competency—

I presume that your Excellency is aware that my Father came to the United States when I was about five years old—that I continued to live in the United States with my Fathers family untill the total distruction by fire of his property at Albany, when reduced in this manner from competency and handsome circumstances to want, my Father moved with his family to Canada at the invitation of an uncle of mine under whose protection I was placed and afterwards was placed in different Merchants Stores in Canada, where I continued in the Mercantile business untill 1810 when following in this my strong predillections for the United States, I came to Detroit—where as soon as I could, I applied to the Court to be formaly naturalized and of which I enclose a certificate of "the clerk of the supreme court.—My conduct during the war your Excellency must be in general[l]y acquainted with, you know my zeal, you know my exertions during the war that I turned out as a volunteer millitia man that I was surrendered like other Americans by general Hull that I afterwards served as an officer of the millitia of this Territory in

[149]A. L. S. accompanying the foregoing letter. (J. S. F.)

the war. You know too of my confinement in irons at Sandwich by the British immediately after peace, under the pretense that I was born a British subject and could not expatriate myself for having been found in arms against them upon a charge of treason (and of my singular and happy escape) the indictment for treason against me having been found in the autumn of 1815. I have been tedious perhaps in recapitulating these circumstances to your Excellency: but I have supposed you might not possibly have recollected all of them and they may be important—

In my reflection on this subject, I have co[n]sidered that if my case do fall within the provissions of the treaty of Ghent, there would be no method so certain nor so easy to enforce my right under that treaty as through the kindness of your Excellency, as to cause a statement of my case to be made to the american Government, in order that by your Excellency's interpossision for me, a representation may be formaly made to the British minister hoping that in that way the British Government may be induced to direct the Provincial Government to reverse and vacate the outlawry against me, and to vacate the indictments, I most earnestly entreat that your Excellency would interest yourself in my behalf in this matter, and I therefore confidently make the application to you, because I feel certain that it will at all times give your Excellency pleasure to confer a benefit especial[l]y when no possible evil can follow to any one in consequence of my success

With great respect I remain Your Excellency

Obdt. Servant

His Excellency Govr. Cass— J. McDonell

Extract of the first article of the treaty of Ghent,

"There shall be a firm and universal peace between his Britanic Majesty and the United State, and between their respective countries Territories, Cities, Towns, and people of every degree without Exception of places or persons, All hostilities both by sea and land shall cease as soon as this Treaty shall have been ratified by both parties as hereafter mentioned"

L. CASS TO SECRETARY OF WAR.[150]

[Library of Congress—Schoolcraft Papers—1823.]

Detroit May 15. 1823]

Sir,

I have the honour to acknowledge the receipt of your letter of the 28th ulto

[150]Draft.

I should have been highly gratified to attend the examinations at West Point, had circumstances permitted it. But the duty of carrying into effect the act of Congress, in relation to the moravian reservations upon the Muskingum River,[151] will render a journey into the State of Ohio necessary, and presents an insuperable obstacle to the acceptance of this honourable trust.

I am etc

Hon. J. C. Calhoun
Secy of War.
[Indorsement]
May 15—1823
To the Secy. of War in relation to the
Govr. going to West Point

L. CASS TO G. BOYD.[152]

[Smithsonian—Schoolcraft Papers—File Case A. No. 119.]

Detroit June 27th. 1823

Sir,

(The Ottawas, who bear this letter, state, that trespasses are continually committed upon their land. As well as I can understand from their description, the place, to which they refer, is upon the main, within a few miles of and west or south west of old Michillimac. Every injury, which they actually receive, ought to me redressed, and I think it important, that the circumstances should be investigated. The law affords an ample remedy, and your situation enables you to ascertain the facts.

They have asked permission to visit Drummond's Island. This I would not grant. Unfortunately upon this subject, the government have armed us with nothing but a speech. The ulterior instructions, which were to enable us to prevent the Indians from crossing have never been received. I therefore have not undertaken to oppose them. And in fact, I am

[151]This Reservation consisting of three tracts of four thousand acres each, including Guadenhutten, Schoennbrun and Salem, had been conveyed to the Moravians by Act of Congress, June 1, 1796, "in trust for the sole use of the Christian Indians formerly settled there." Since then most of the Indians had removed to Canada, and the Society desired to be released of its trust estate. Accordingly Governor Cass under authority of Act of Congress, Mar. 3, 1823, met and conducted negotiations with an agent of the Society by which the tract was retroceded to the United States. *A. S. P. Ind. Affs.* II, 387-391; *A. S. P. Ind. Affs. Public Lands* III, 531, 615, 714. (J. S. F.)

[152]A. L. S. endorsed "to be returned to me. G. B." It was probably loaned to Schoolcraft, who failed to return it. (J. S. F.)

compelled to shut my eyes to the practise. So long as argument or authority will answer the purpose, it will be expedient to use it. But it is not best the exclusion should fall entirely upon our friends, nor upon those, who most readily listen to us. They perhaps might sometimes be indulged. But the whole matter is a proper subject for the exercise of your discretion.

Respectfully
I am, Sir,
your obt servt.
Lew Cass.

George Boyd Esq
Indian Agent,
Michilimackinac.
[Indorsement]
to be returned to me.
G. B.
[No. 119]
[Address]
George Boyd Esq
Indian Agent
Michilimackinac.

GENERAL ORDER.[153]

[Library of Congress—Schoolcraft Papers—1823.]

Jno. R. Williams, Adj. Genl. etc.
Head Quarters
Detroit September 29th. 1823.

His Excellency Lewis Cass Esquire, being necessarily absent from the Territory, the Command in Chief of the Militia vests for the time being, in the Secretary of Michigan.

The Commander in Chief *ad interim* being advised that His excellency the Governor of this Territory had expressed his intention if practicable, to review and Inspect the Militia of the neighbouring Counties in person during the present season, and considering that important public benefits may result from the giving effect to such intention, deems it expedient to vary the Stated times of rendezvous in some of the Counties—[154]

[153]Subscribed: A true copy of the original order on file.
[154]For the law governing the militia at this time, cf. *Territor. Laws*, I, 542-559. (J. S. F.)

The Regiment of Volunteers, and the first Regiment will parade at the Military Square within the City of Detroit and County of Wayne on monday the Sixth day of October next, at 10 O'Clock A. M. for exercise, review, and Inspection.—

The Militia Within the county of Macomb will rendezvous for the same purposes, at Mount Clemens on Wednesday the 8th. October next at 10 O'Clock A. M.—

The Militia of the County of St. Clair will assemble for the same purposes, at the seat of Justice for that County on Saturday the 11th. of October next, at 10 O'Clock A. M.—

The Militia of the County of Oakland will assemble for the same purposes, at Pontiac on Monday the 13th. October next, at 10 O'Clock A. M.

And the Second Regiment will parade for the same purposes, at Monroe in the County of Monroe on thursday the 16th. October next, at 10 O'Clock A. M.—

The Militia of the other Counties of the Territory will assemble in Regiment or Separate Battalion as the case may require, at the Stated and usual time and places of rendezvous.—

As it is anticipated that His Excellency Governor Cass will be personally present to inspect and review the Militia, at the several places and Counties particularly specified, it is expected of every officer, and especially of every Commandant of a Regiment or Separate Corps, that proper exertions be used to do honour to the occasion, and it is earnestly hoped that the whole body of the Militia may appear in full force.—

If unfortunately His Excellency Governor Cass should not return to the Territory in time to carry into operation his reputed wishes in this matter, the Adjutant and Inspector General will so far as practicable, personally review and Inspect the Militia, at the several times and points specified, and in the event of his absence the respective Commanding Officers will be holden responsible for the faithful discharge of that Important duty.—

The Commander in Chief ad interim avails himself of this occasion to press upon the consideration of those Officers upon whom that duty is specially imposed, the necessity of making promptly after the autumnal musters of the Militia, ample and proper returns to the Adjutant and Inspector General.— Culpable negnilgence [sic] has been observable in this respect on past occasions.— Great loses and serious evils have resulted to this Territory in consequence of so inexcusable delinquencies.—

Not only the quota of Public Arms has been greatly decreased by it, but serious injury has been committed upon what a Soldier most delights

to protect, the reputation of the Country.— Circumstances call for increased attention to the improvement of the Militia of the Territory.— Let it be remembered that we live in a border Country,— in a Country cut off as yet from the strength and power of the interior;— that as the General Government has in its wisdom, already thought proper to withdraw from Chicago and from this point much of its Military force,[155] it becomes emphatically, proper that we should look now for protection and for defence at least in the *first resort* to ourselves alone:— Such considerations it is hoped will lead to an improved discipline and to a Scrupulous regard to all the injunctions of the Law—

Signed/ William Woodbridge
Comr. in Chief ad interim—

A true Copy of the original order on file.

Jno. R. Williams Adjt. Genl. etc.

[Indorsement]
General Order
dated Sept. 29th 1823.

GENERAL ORDER 1.

[Smithsonian—Schoolcraft Papers—File Case H.]

Head Quarters
Sept^{r}. 30.th 1823.

It having been represented to the Commander in Chief for the time being of the Michigan Militia, that regular Companies of Militia have in some instances, by the improvident enlisting of Volunteers therefrom, been reduced to numbers below the smallest number required by law to constitute Companies, the Commanding Officer of every Company so reduced will forthwith report such fact to the Officer commanding the Regiment or Separate Battalion to which such Company is attached, who will immediately thereafter by his Regimental or Separate Battalion order, direct so many of those who last enlisted from it, as may be necessary to

[155]The garrison was withdrawn from Fort Dearborn under orders of the General-in-Chief of the Army dated, May 27, 1823, and was restored in 1828, after the Winnebago disturbance. *Fergus Historical Series No.* 16, p. 27. At Detroit in 1822 the garrison was only 48 men, and these were removed the next year. In 1824 a garrison of 76 men was re-established there. *A. S. P. Milit. Affs.* II, 455, 558, 706. (J. S. F.)

preserve the legal Complement of such reduced Company, to be reattached to it, the requisitions of the law, being peremptory that in every regular Company, there be at least thirty privates—

The resignation of Andrew G Whitney Esquire, late Judge Advocate for the Territory of Michigan, has been accepted by the Commander in Chief for the time being, and Benjamin F H Witherell Esquire has been appointed in his place, the said resignation and the said appointment both to take effect from the sixth day of September 1823—

The resignation of Jedediah Hunt Esquire late a Lieutenant in the Michigan Militia, has also been accepted by the Commander in Chief for the time being, to take effect on the 27.th day of August A. D. 1823.—

Joseph Ellaire [Allard] Esquire is appointed a Captain in the Militia of the said Territory; said appointment to take effect from and after the 9.th day of September 1823.—

Elisha Glazier Esquire is also appointed a Captain and Liba Swan Esquire, a Lieutenant in the Militia of the said Territory, both appointments to take effect from and after the 10.th day of September A D. 1823—

And Moses Allen Esquire is appointed a Captain, William Hazard Esquire a Lieutenant, and Hiram A Heacock Esquire an Ensign in the said Militia, said appointments to take effect from and after the 29.th day of September A D 1823—

Signed/ William Woodbridge
Com.r in Chief ad interim.

A true Copy of the original Order on file.

Jn°. R. Williams
Adj.t. Gen.l. and act.g. Insp.r. Gen.l.
M. M.a

[Indorsement]
General Order dated
September 30 1823.

L. CASS TO COMMISSIONERS OF WASHTENAW COUNTY.[156]

[Library of Congress—Schoolcraft Papers—1823.]

Detroit Feby. 14. 1824

Gentlemen,

I am induced to believe, that in the situation of the Country, the establishment of the County Seat of the County of Washtenaw would have a

[156]Draft. Washtenaw County was laid out by Executive proclamation, Sept. 10, 1822, but was attached to Wayne County till 1827, when it became by law a separate county. *Territor. Laws* I, 335; II, 292. (J. S. F.)

powerful effect in promoting emigration to that part of the Territory. Increased activity and exertion would be given to enterprizing citizens, and a nucleus would be formed around which we might soon expect flourishing settlements. Independently of my own views upon this subject, application has recently been made to me by persons interested in the Country for the establishment of the County Seat. Trusting that the execution of the duty will not be disagreeable to you, I take the liberty to appoint any three or more of you Commissioners to explore the County of Washtenaw, and to establish the County Seat thereof.

Should you believe that the location ought to be made upon lands the property of the United States, it will then be unnecessary for you to identify the tract, or to proceed farther in the performance of this duty. There being no funds, out of which a purchase for the County could be made, the location upon publick land would only excite an improper competition for procuring it. In such an event therefore it will be proper to suspend all proceedings, and hereafter, when more land is owned by individuals in the County, a new commission can be constituted for the execution of this duty.

But should you think, that the proper site for the County Seat is now private property, and should the owner of it be willing that the establishment should be made there, you will then please to make such an arrangement with him, as you may think the publick interest will require, with regard to the plan of the town, the lots to be granted for publick purposes, and the money, labour or materials, you may demand for the erection of the necessary publick buildings.

You will please to report your proceedings to me, as soon as convenient.

I am etc,

John L. Leib Austin E Wing
James McCloskey, Thomas Rowland
and Richard Smyth Esquires.

[Indorsement]
Feby. 14. 1824
To John Leib
Austin E Wing
Jas. McCloskey
Thos. Rowland
Richd. Smyth
Commissioners for the purpose of establishing the County Seat of the County of Washtenaw—

CERTIFICATE REGARDING THE HABITS OF SIDNEY DOLE.

[From Correspondence in the Executive Office, Lansing, Mich.]

To His Excellency
Lewis Cass

We the subscribers hereby certify that Sidney Dole Esquire has been since the 20th April last so much intoxicated as to be staggering and falling in the street at Pontiac in the day time and in the presence of many people.

Pontiac May 7th 1824
Daniel LeRoy
Job C Brown
David Stannard
Ephraim Burge
O Bartlitt
Charles C Hascall

LETTER FROM DAVID HOWARD*

[From Vol. 1 p. 57 of the Executive correspondence in Secretary of State's office, Lansing,—1808-1830.]

Having heard that Sidney Dole Esq Was Intoxicated on the evening of the first day of the Session of the Court of the county in february Last and understanding that† ..... had seen him so in the ..... I had the curiosity to inquire of the ..... with Respect to it who told me that he supposed Dole was drunk for he Reeled about Like a Drunkenman.

Pontiac 12th March 1824.
David Howard (?)

RUFUS HATCH TO GOV. LEWIS CASS.

[From the Executive correspondence in Secretary of State's Office—Michigan—1808-1830—Vol. I, p. 59.]

Pontiac March 15th 1824

His Excellency Gov Cass
Sir

I have been a resident of this County for thre months past in expectation of being appointd County Clerk, it was no solitation of my own, but of two of the Judges of the C. Court Judge of Probate and Prosecu-

*Almost illegible.
†Illegible.

ting Attorney &c, and from what you said to me on the 5th of Decr. I removed to this place, that was to remove and become a resident of this County and the necessary papers should follow me. I on that day came here and engaged a House &c and on the 11th removed my family here but the day previous to my removal you made this proviso that my papers should follow should Dole ever be known to be intoxicated again and that you had lost all confidence in him and given him no encouragement of remaining in Office— Dole no doubt has been intoxicated frequently since, but his friends have kept it a secret untill on the first day of our Court at Even^{g} he was discovered staggering from Chamberlain's Inn towards the River drunk, he was so discovered by Wm Stephens who lives on the Plains near Mr. Whites and was then one of the Grand Jurors of this County. I never heard of it untill a few days since by Mr. Andrews who lives neighbor to Mr. Stephens a few days after I saw W. Stephens and asked him if it was so or not, he said it was but that he ought not to have told it as Mr. Dole had done his duty that day.

Many of the Persons who signed the Petition for his continuance in office relent it and Say they would not have done it had they supposed it would have had any effect—

I have been here and out of any kind of business and my family to support and not much to do it with and no prospect of having any business for me to do, you are well aware of the object of my removal here and the encouragement given me.

I now only wish to know whether I am to be appointed to that office or not. If I am not to be I wish to return to Detroit before the ground breaks up this spring— Your early answer will much oblige you obed^{t} & Humble Serv^{t}

Respectfully

Rufus Hatch

P. S. I enclose Esq Stanards statement he had from Mr. Stephens and could others but I do not conceive it any use— Dole no doubt has frequently been Intoxicated for he has had Whiskey from our Still House by the 2 Gallons frequently which our Books will show and it is a well known fact if he has Whiskey he must take a little now and then.

R. Hatch

DANIEL LEROY TO LEWIS CASS.

[From Executive correspondence in Secretary of State's Office Lansing—1808-1830—Vol. 1 p. 56.]

Pontiac May 8. 1824.

His Excellency Lewis Cass.

Sir

I have been requested to transmit to your excellency the certificate &c enclosed—by which it will appear that S. Dole Esq has relapsed into his former habits of intoxication his most serious engagements to the contrary notwithstanding—Dole seems fully sensible that he ought to be removed from his offices—and I am informed that he intends to resign them and get this appointment for Olmsted Chamberlin and he Dole do the business of the office as Chamberlins Deputy.

I regret that you sir, have had so much trouble with the Clerkship of this County—my apology for having contributed towards it is that I have no faith in the integrity of Sidney Dole. Dole is Clerk, Register, Justice of the Peace Clerk of Comissioners and Postmaster. his brother in law Constable & Deputy Sheriff his father in law Commissioner and Dole manages the whole concern in a manner calculated to injure his enemies shield his friends as far as it can be done without subjecting himself to punishment.

Practice of this kind you will readily concieve sir cannot be easily proved alltho they may exist and be continually practiced—A friend brought before a Justice—may have a long adjournment to procure Witnesses—an Enemy a short one—an execution may by direction of Justice be levied on property that Deft, cannot without great loss be deprived of altho there is other property which he could spare without inconvenience sufficient to pay the Judgment—the property of an enemy may be sacraficed in Law and the laws not violated—beliving as I do most verily that the Official proceedings of Dole and the Swans
is in some measure as above stated and is directed intirely by Sidney Dole it will not be thought strange that I should be willing to see any or all of them displaced from any and every office they hold.

Doles Habits of intoxication altho they rendered him ridiculous and some times unfitted him for business would not have been urged by me as a cause why he should be moved had some of his other practices which I consider more criminal been as capable of proof.

Pray Sir excuse the informal and careless manner in which this Statement is made it is intended for your perusal merely.

With great respect
I am your
Obt Servt.
Daniel LeRoy

(Indorsement.)
May 8th 1824.
From Judge LeRoy
respecting Dole's
habits of intoxication.

L. CASS TO DANIEL LEROY.[157]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit March 18 1824

Dear Sir,

Your views with relation to the Clerk's Office and to the public papers in his custody are perfectly correct, and coincide fully with my own. I will at once state to Mr. Dole,[158] that his Office must be permanently kept at the County Seat, and that the papers must not be removed. I have more doubts with respect to my right to interfere with him, on the subject of the house he may choose to occupy for an office. But I will intimate to him my opinion—

I have been anxious to see you this winter to explain to you the course I have taken in relation to the Clerkship, and the reasons which led to it. But not having had that pleasure, I must now do in writing, what I wished to orally—

When I received the representation concerning Mr. Dole, I concluded at once it would be necessary to remove him. The principal fact stated was

[157]Draft. Daniel Le Roy was a pioneer of Oakland County, being a member of the Pontiac Company. He was chief justice of the County Court, member of the Legislative Council, and became Attorney General of the Territory. (J. S. F.)

[158]Sidney Dole was first County Clerk in Oakland, appointed in July, 1820, first County Register, Clerk of the Board of Commissioners, and one of the first Justices of the Peace. According to Thos. J. Drake, Mr. Dole was a cautious man, usually carrying the papers in each case in his hat from the commencement to the termination of the case, and after hearing the evidence seldom rendered a decision till he had consulted the authorities in Detroit. He was a member of the Second Legislative Council. "Few men enjoyed a higher degree of public favor than Mr. Dole." He died at his home in Pontiac, July, 20, 1828. *Mich. Pion. and His. Coll.* III, 561, 574. (J. S. F.)

not new to me, and I thought all prospect of amendment was hopeless. Under this impression I wrote to him, rather to give him notice of my intention, than to call upon him to defend conduct, which I knew to be indefensible. He however came here, and assured me solemnly, that no similar instance should again occur, that I was induced to give him another opportunity to save himself. I was perfectly confident, that all the gentlemen, who signed the representation against him, were led to the measures by publick considerations, and not by any feeling against Dole. And that if he could be reclaimed to a faithful discharge of his duty, they would be fully sitisfied. Dole however on his return relapsed into his former habits, and all confidence in his resolution was destroyed. As soon as I ascertain this fact, I should have removed him, from the consideration, that the gentleman, recommend as successor, and whom I wished to appoint was not a resident of the county. Until he possessed that qualification I could not with propriety confer the office upon him, and I therefore intimated to him the propriety of removing to Oakland. In the meantime and before he had taken his family there, I received a remonstrance from many of the Citizens of the County against the removal of Mr. Dole. I received also from himself an appeal of such a nature, that I felt unwilling to resist it. It addressed itself to all my sympathies, and held out strong hopes of a radical change in his conduct. The expression of the public will has at all times great weight with me, and the two papers together induced me to give him one more trial. My determination however I have never stated to him, even to this day, nor have I exchanged a word with him, or written him a line upon the subject, since he first visited me. I merely informed the person, who brought this letter, that I would not then remove him. If however he continues free from his former habits, and faithfully discharges the duties of the office, I shall not feel myself at liberty to remove him—

I considered this explanation due to yourself and to the other gentlemen, who addressed me upon the subject. The correctness of the representation and the proper motives of those, who made it, I never for a moment doubted. And had Mr Dole been instantly removed, it would have been merely an act of justice, at which not one could complain—

I will thank you to state to the other gentlemen my views upon this subject— I am Dear Sir

With much regard

Daniel LeRoy Esqr.

[Indorsement]

March 18 1824

To Mr LeRoy concerng the office of the Clerk County etc.

L. CASS TO RUFUS HATCH.[159]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit March 18. 1824

Dear Sir,

I received your letter a day of two since, and embrace the first leisure moment in my power to answer it.—When you first spoke to me respecting the Clerkship of Oakland, I thought I should be compelled to remove, the present incumbent, and this belief I expressed to you. I determined in my own mind to appoint you, although I did not state this to you. But it was with this view, that I advised you to remove to Pontiac, for I felt an invincible repugnance against appointing any man to office, in a County, in which he did not live.[160] After you had left here and before you returned, I received a remonstrance, very generally signed by the Citizens of Oakland, against the removal of Mr. Dole. I also received an appeal from him of such a nature and couched in such terms, that it was difficult to resist it. To a fair expression of the public will it is equally my duty and my inclination to pay much deference; nor do I think that the claims of humanity are entirely without weight even in the decision of official questions. These two papers together induced me to suspend my determination and to give Mr. Dole another chance for that self conquest, which could alone render him useful to himself, to his family and to society. Of this determination I informed you on your return. I also told you, that if you removed to Oakland, and if Mr. Dole relapsed into habits of intemperance, or if he were even seen intoxicated, I should feel compelled to remove him, and that I should appoint you. This I stated to you in the most explicit terms.

You must certainly see on reflection, that you have forwarded to me no proof of the misconduct of Mr Dole. The certificate of Mr. Stanard, respecting the opinion of Mr Stephens, is too informal a document to justify the removal of an officer. Mr Stanard merely states, that Mr. Stephens told him. And that is, that he thought Mr. Dole was intoxicated, because he saw him reeling. Colo. Larned and Judge Fletcher both informed me, that Mr Dole conducted with great propriety at the last session of the Court, and that the duties of the office were well performed—

No communication either written or verbal has passed between Mr Dole and myself, since your removal to Oakland, I am therefore wholly

[159]Draft.

[160]Rufus Hatch in 1818 was given an office in Macomb County. *Mich. Pion. and Hist. Colls.* VIII, 660. (J. S. F.)

uncommitted; But until I receive some proof of his improper conduct, I cannot justify his removal to myself or to the community.

I should be happy to aid you either here or in Oakland. And if the Office of Clerk of that County is vacated by any cause whatever, if you are resident there, I will give you the appointment—

With much regard
I am Sir.

Rufus Hatch Esqr.

[Indorsement]
March 18—1824
To Mr Hatch in relation to his appointment and the removal of Mr Dole from the office of Clerk—
etc. etc.

AFFIDAVIT OF DAVID STANARD.

[From Executive Correspondence at Lansing, Mich.]

Oakland County ss.

David Stanard being duly sworn on his Oath saith, that he has been informed that Sidney Dole or some other person has represented that he David Stanard had without knowledge of the said Sidney Dole given him cider mixed with whiskey for the purpose of intoxicating the said Sidney Dole and thereby rendering him ridiculous all which the said David Stanard says is entirely false.

David Stanard

Sworn and subscribed this
5th day of May A. D. 1824
before me—
Wm Thompson
Chief Justice.

L. CASS TO SIDNEY DOLE.[164]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit May 13. 1824

Sir,

It becomes my unpleasant duty to inform you, that I have received a certificate, stating that you have recently been seen publickly in a state of intoxication.

[164]Draft. Cf. *supra* Cass to Le Roy, and to Hatch. Mar. 18, 1824. (J. S. F.)

When application was formerly made to me for your removal, you voluntarily informed me, should you be seen in a similar situation, that you would not object to a vacation of your commission. If that event has happened and without some strong palliating circumstances, I shall be compelled, although reluctantly, to proceed to the duty, you yourself assigned to me. In the mean time I will receive any explanations you may have to offer on the subject.

respectfully

S. Dole Esq
Clerk of Oakland.

[Indorsement]
May 13. 1824
To Mr. Dole, respecting charges against him.

L. CASS TO PETER HAGNER.[161]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit March 30. 1824

Sir,

I received by the last mail your letter of the 27th ulto.

By adverting to your letter of the 11th. of November last, you will find there was no intimation, that an investigation of the conduct of Mr. McDonnell, in relation to the accounts for the ransome of prisoners, upon which he has received money from the United States treasury, was expected from me. I supposed it was only wished, that I should hold the papers, subject to the examination of any persons, who might be desirous of inspecting them. And such I am certain will be your construction, of the letter if you reexamine it.

Your last letter however has removed all doubts upon the subject and I shall proceed to the investigation, as soon as the parties are prepared.

Very etc

Peter Hagner Esq
3d Auditor of the Treasy.
Washington.

[Indorsement]
March 30th 1824
To
Peter Hagner 3d Aud. in relation to the payment made to Mr McDonell for the purchase of prisoners

[161]Draft. In this connection, see following letter of Apr.. 4, 1824. (J. S. F.)

CIRCULAR TO MEMBERS OF TERRITORIAL LEGISLATURE.[162]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit March 30. 1824

Sir,

I have been instructed by the Secretary of State of the United States to inform you, that you have been appointed by the President, by and with the advice and consent of the Senate, a member of the Legislative Council of the Territory of Michigan for the term of two years from the fourth day of February last. I have received a joint commission, containing the names of all the members, which will be delivered to the council as soon as they are assembled.

Very etc

Circular to

Abraham Edwards[162½]	X	
Stephen Mack	X	X John Stockton
William H Puthuff		X Roger Sprague
Wolcot Lawrence	X	X Zephaniah W. Bunce
Robert Irwin Jun.		X Hubert La Croix.

[Indorsement]

March 30 1824

Circular to the Members of the Territorial Legislature

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[162]Draft. In response to a petition presented Jan. 3, 1823, the territory was admitted to the second grade of territorial governments by Act of Mar. 3, 1823. By the provisions of this law the electors of the Territory nominated eighteen persons, from whom the President, by and with the advice and consent of the Senate, appointed nine persons to form a Legislative Council. The Governor, and Legislative Council, thus formed, were authorized to exercise the powers formerly exercised by the Governor and Judges. (J. S. F.)

[162½]Abraham Edwards was president of the territorial Council of Michigan from 1824 to 1832. He was born in Springfield, N. Y., Nov. 17, 1781, and became a physician in 1803. He became an army surgeon in 1804; was a member of the Ohio Legislature in 1811; came to Detroit 1812 and took charge of the army medical department; was president of the board of trustees 1816-1817 and aid to Gen. Cass 1823 with rank of colonel; from 1831-49 was register of the land office western Michigan and died in Kalamazoo 1860.

L. CASS TO MESSRS. ROWLAND AND SMYTH.[163]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit April 4. 1824

Gentlemen,

Enclosed I transmit you certain documents numbered one and two.

Those numbered one relate to payments made at the United States treasury to John McDonnell Esquire in his own right, and as attorney for other persons, under the act providing for the repayment of money expended for the ransom of prisoners.

On this subject you will oblige me by giving such notice as you may think proper, and then by receiving such testimony and reducing the same to writing, as the parties may produce, and as may fairly relate to the nature of the investigation. The testimony, when thus collected you will please to forward to me, that I may transmit it to the War department.

The papers numbered two relate to charges preferred against Mr. McDonnell. On this subject, I am anxious you should take such a course, as well with respect to notice as to any other point involved in the proceedings, as you may think due to the parties and to the cause of truth and justice. A written summary only of the evidence will be necessary, and this together with your opinion on the subject of these charges, I shall be glad to receive, as soon as you have closed the investigation

I am etc

Thomas Rowland)
and Esquires
Richard Smyth)

Two of the Justices of the peace of the County of Wayne

[Indorsement]
April 4. 1824

To Mess. Rowland and Smyth, respecting the inquiry into J McDonnell's conduct.

[163]Draft, endorsed "respecting the inquiry into J. McDonell's conduct." Major Thomas Rowland and Captain Richard Smyth were fellow officers in the militia with McDonell in the late war. (J. S. F.)

U. S. COURT TO MONROE COUNTY SHERIFF.

[Library of Congress—Schoolcraft Papers—1824.]

Territory of Michigan, to wit

The United States of America, To the Sheriff of the County of Monroe ..... Greeting:—

We command you that of the Goods and Chattels of François Lasselle, in your Bailiwick you cause to be made a Certain Debt of Thirteen thousand seven hundred and ninety one Dollars and ninety nine Cents, with one Cent damages, which Laurent Durocher, Executor of the last Will and Testament of Marie B Lasselle, deceased lately in our Supreme Court of the Territory aforesaid, before the Judges thereof at the City of Detroit on the 11th day of Octr. A D 1823. recovered against the said François Lasselle, and James Lasselle, in his life time, now deceased, and whom the said François Lasselle hath survived, and also ..... Dollars ..... which in our same Court, before our said Judges at the City of Detroit aforesaid, were adjudged to the said Laurent Durocher, Executor as aforesaid for his costs and charges by him about his suit in that behalf expended whereof the said François Lasselle and Jacques Lasselle were convicted as appears to us of Record:—And if sufficient Personal Estate of the said François Lasselle cannot be found within your Bailiwick and which you are in the first place to seek for and which fact you are to verify hereon, that then and in that case, without delay you cause to be delivered to the said Laurent Durocher in his Capacity of Executor, as aforesaid, all the Lands, Tenements and Hereditaments of the said François Lasselle, in your Bailiwick, of which the said François Lasselle, on the said eleventh day of October in the Year of our Lord one thousand eight hundred and twenty three, or at any time since hath been seized, to have and to hold to the said Laurent Durocher Executor of the last will and Testament of the said Marie B Lasselle, deceased, according to the form of the statute in that case made and provided, until he shall thereof have fully levied the said Debt, damages and Costs with all fees; and in what manner you shall have executed this our Writ, make appear to our Judges, at the City of Detroit aforesaid on the third Monday in September next, under your seal and the seals of them by whose Oath you shall have made the extent and appraisements

of such Lands, Tenements or Hereditaments; and have you then there this Writ, witness the Honble James Witherell etc.

[Indorsement]

Laurent Durocher Exr. etc
agt.
Frs Lasselle Suvg. Partner etc
Form of Excn.
to be laid before the
Presiding Judge
of the Supreme Court
11th. May 1824

L. CASS TO THE COMMISSIONERS OF LENAWE COUNTY.[165]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit May 14. 1824.

Gentlemen.

I am induced to believe that in the situation of the country the establishment of the county seat of the County of Lenawe, would have a powerful effect in promoting emigration to that part of the Territory. Increased exertion and activity would be given to enterprising citizens, and a nucleus would be formed, around which we might soon expect flourishing settlements. Independently of my own views upon this subject, application has recently been made to me by persons interested in the county, for the establishment of the county seat. Trusting that the execution of the duty will not be disagreeable to you, I take the liberty to appoint any four or more of you Commissioners to explore the County of Lenawe, and to establish the county seat thereof.

Should you believe that the location ought to be made upon lands the property of the United States, it will then be unnecessary for you to identify the tract or to proceed farther in the execution of this duty. There being no funds, out of which a purchase for the county could be made, the location upon publick land would only excite an improper competition for procuring it.

[165]Circular Draft. By Act approved June 30, 1824, the county seat was located at Tecumseh on lands owned by Messrs. Wing, Evans, and Brown, where it remained till 1836, when it was removed to Adrian. The County was not regularly organized till Jan. 1, 1827. *Territor. Laws*, II, 183, 292; *Mich. Pion. and Hist. Colls.* II, 358, 364. (J. S. F.)

In such an event therefore it will be proper to suspend all proceedings, and hereafter, when more land is owned by Individuals in the county, a new commission can be constituted for the execution of this duty.

But should you think that the proper site for the county seat is now private property, and should the owner of it be willing that the establishment should be made there, you will then please to make such an arrangement with him as you may think the publick interest will require, with regard to the plan of the town, the lots to be granted for publick purposes, and the money, labour or materials, you may demand for the erection of the necessary publick buildings.

You will please to report your proceedings to me as soon as convenient.

With great respect
I am, Gentlemen
Your Ob. Servt.

John Anderson, Oliver Johnson,
Woolcott Lawrence, Lorin Marsh,
Laurent Durocher, Harry Conant
and John Wendell Esquires.

[Indorsement]

May 14. 1824
To J. Anderson
O. Johnson
W. Lawrence
L. Marsh
L. Durocher
H. Conant
J. Wendell
respecting fixing the County seat of Lenawe.

L. CASS TO JOSEPH ROLETTE.[166]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit May 17. 1824

Sir,

I received a few days since your letter of the 2d ulto.

I am prepared to make an appointment of another Justice of the peace

[166]Draft. Joseph Rolette was one of the prominent citizens of Prairie du Chien, being chief trader, and warden of the borough. He was at this time Judge of the County Court, and in 1828 became Chief Justice.—(J. S. F.)

in the County of Crawford on a representation from the citizens of the County.

No Justice of the peace has authority to apprehend any individual either for the purpose of trial or of surrender, for an offence committed without the Territory. The Executive alone has power to do this, and application must first be made by the Executive of the State or Territory, where the offense was committed

I am etc

Joseph Rolette Esq
Prairie du Chien.

[Indorsement]
17 May 1824
To Joseph Rolette Esq
Prairie du Chien.

On the subject of the appointment of another Justice of the peace at the Prairie, and the powers of Justices etc.

L. CASS TO POSTMASTER GENERAL.[167]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit May 20. 1824

Sir,

I have had the honour to receive your letter of the 29th. ulto. and sincerely hope, that the arrangements, which you propose to adopt, will give us the mail with greater certainty, and less delay.

The last mail but one, which arrived on the 12th instant, brought papers and letters of as old a date as March 26, and of all the interme[d]iate date between that time and the latter part of April. These must have been accumulating for weeks in some office upon the route.

The mail of yesterday brought nothing, not even the letter, which I have had the honour to receive from you. It has been twenty days on the road,

[167]Draft, endorsed, "On subject of improvement in the mail route." John McLean of Ohio had been lately appointed Postmaster General to succeed Return J. Meigs, who had served from 1813 to 1823. Previous to McLean's appointment he had been Commissioner in the Land Office, and his efficiency there commended him to Monroe's consideration. He found little organization in the Postal Department, and following Calhoun's example in the War Department, he organized it into divisions and bureaus. The mail service was much improved under him, but when Jackson became President he was literally "benched," being made a Justice of the U. S. Supreme Court, because he refused to lend the Department to political purposes. Thos. L. M'Kenney, *Memoirs and Travels, etc.* (1846), pp. 50-55. (J. S. F.)

and had it not been put on board the Steamboat at Cleveland, it would have taken a month to reach here. Unpleasant as such a state of things is we have every confidence, that you will er'e long be enabled to apply some adequate remedy.

Very etc

Hon. John McLean
Postmaster General.

[Indorsement]
May 20. 1824.
To Hon John McLean
Post Mr. General—
On Subject of improvement in the mail route.

GENERAL ORDER—JOHN R. WILLIAMS.[168]

[Smithsonian—Schoolcraft Papers—File Case A. No. 412.]

General Order,

Head Quarters
Detroit 4 June 1824

Application having been made to the Commander in Chief, to organize an additional, separate, and independent Compy. of Rifle-Men in the County of Oakland. Conformably thereto,

Elisha Taylor is hereby appointed to be Captain,
Walter Sprague to be Lieutenant, and
John F Hamlin to be Ensign of said Rifle Company,

which shall be attached to the 3d Regiment, until otherwise ordered.

The resignation of Asa B. Hadsel as Ensign in Captain Glaziers Company is this day accepted— And Elijah Willets is appointed to be Ensign to fill the said vacancy.

By order of The Commander
in Chief.
Jno. R. Williams
Adjt. Genl. and Actg.
Inspr. Genl
M. Ma.

[Indorsement]
General Order dated
June 4th 1824—

[168] A. D. S.

L. CASS TO COL. GEORGE BOMFORD.[169]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit June 17. 1824

Sir,

I have the honour to request, that fifty pair of pistols and fifty seven cavalry sabres, being the amount of the arms now due to this Territory, may be forwarded to the Ordnance office at this place, with instructions to deliver them to the proper Territorial authority

Very etc

Col. George Bomford
Ordnance dept.

[Indorsement]
June 17. 1824
To the Ordnance dept.
respecting arms.

L. CASS TO LIEUT. GOVERNOR OF UPPER CANADA.[170]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit July 31. 1824

Sir,

I do myself the honour to transmit you the copy of an act recently passed by the Legislature of this Territory.[171]

I take the liberty of inquiring whether the laws of Upper Canada contain any provision for the surrender of fugitives from the justice of this Territory, and if so, by whom and to whom application for that purpose must be made, and the nature of the evidence, which must be produced.

Very etc

His Excellency
Sir Peregrine Maitland K. C. B. etc etc etc

[Indorsement]
July 31. 1824
To Sir Peregrine Maitland
With a Copy of the law providing for the surrender of fugitives from Justice.

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[169]Draft.
[170]Draft.
[171]An act approved July 8, 1824, provided for the Extradition Criminals. *Territor. Laws*, II, 184. (J. S. F.)

L. CASS TO SECRETARY OF WAR.[172]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit Sep. 2. 1824

Sir,

I enclose herein a plan exhibiting the situation of the streets and lots alluded to in the letter from the Governor and Judges of this Territory to you of last week, but then accidentally omitted.

Very etc

Hon. J. C. Calhoun
Secy of War.

[Indorsement]
2d Sep 1824.
To Secretary of War.
Enclosing plan of Larned street etc. in Detroit City.

L. CASS TO F. BOUTHILLIER.[173]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit 2nd Sept. 1824.

Sir—

I have received your letter of June 8th. on the subject of your bonds for the Sheriff[174] of your County.

In answer to the request therein contained I have to say that the distance from this place to Prairie du Chien is so great as to render it im-

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[172]Draft, endorsed,—"Enclosing plan of Larned Street, etc., in Detroit City." By Act of Aug. 5, 1824, the old form of government for Detroit was superseded, and new city limits were marked out. *Territor. Laws*, I, 534; II, 221. (J. S. F.)

[173]Draft, endorsed,—"Respecting his application to be released as one of the securities of McNair—Sheriff of Crawford."Francis Bouthillier was of French birth and parentage a trader at Prairie du Chien, and Associate Justice, of Crawford County. (J. S. F.)

[174]Thomas McNair was sheriff, having been appointed in 1819. He was a nephew of Alexander McNair, then Sutler at Prairie du Chien and afterward Governor of Missouri. Thomas McNair incurred his uncle's displeasure by his marriage with a French girl and was discharged from his uncle's employ. He then turned to farming. About 1830 he moved to Fever river near Galena, and lived in Illinois the rest of his life. Lockwood's *Narrative*, in *Wis. Hist. Colls.* II, 122, 127, 150. (J. S. F.)

proper for me to remove the present incumbent from the office of Sheriff in order to relieve his securities from their liability

Very etc

F Bouthillier Esq
P du Chien.

[Indorsement]

2d Sep 1824.

To
F. Bouthillier

Respecting his application to be released as one of the securities of McNair—Sheriff of Crawford

L. CASS TO M. BRISBOIS.[175]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit 2nd Sept. 1824.

Sir

I have received your letter of June 24th 1824, on the subject of your bonds for the Sheriff of your County.

In answer to the request therein contained I have to say that the distance from this place to Prairie du Chien is so great as to render it improper for me to remove the present incumbent from the office of Sheriff in order to relieve his securities from their liability.

Very etc

M Brisbois Esq
P. du C.

[Indorsement]

2d Sep. 1824

To
M. Brisbois Esq

Respecting his application to be released as secy. of McNair—Shff of Crawford—

[175]Draft, endorsed,—"Respecting his application to be released as sec[urit]y of McNair Sh[eri]ff." Michael Brisbois was an old French Canadian trader who remained in Prairie du Chien after the war of 1812. He was Associate Justice of Crawford County. (J. S. F.)

L. CASS TO ALBERT HODGE.[176]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit Oct. 6. 1824.

Sir,

Your letter of Sep 10 was received during my absence, and I embrace the first moment in my power, since my return, to answer it.

It is impossible to give you any definite information respecting the subject, to which you refer, because the principles, upon which it is proposed to conduct the small missionary Establishment, are not stated, nor is there any plan disclosed for directing its operations. I am at a loss therefore to determine, whether a system has been matured and is to be pursued, in conformity with some speculative notions, or whether the experience which has been furnished by other and similar experiments, is to constitute the basis of the proceedings in the present case. If the former, I shall be utterly hopeless with respect to any useful practical result. Benevolence, however warm or active, is a very fallible guide in questions involving the feelings, interests and prejudices of whole races of men. The christian world has been engaged in efforts to improve the moral and physicial condition of our Indians during a period of nearly two centuries. With what little effect I need not state. Whether this result is owing to inefficient and improper means, or to insuperable obstacles, I think we shall ere long be able to ascertain. Facts have been collected and experiments are now making which will soon put the question at rest. I do not permit myself to doubt, but that a new era in Indian improvement has commenced, and that these wretched people, who have received so much injury and so little good from us, will soon experience the benefit of the benevolent exertions, which are making in their favour. The earlier attempts were to[o] much directed to moral and religious improvement. They are now directed to these, and to physical improvement also. These objects must go hand in hand. The education of an Indian, to be useful, must be practical, and adapted to the circumstances, in which he will probably be placed. He should be taught the value of labour and the mode of applying it. The superiority of agriculture and the productive arts of civilized life over the chase.

[176]Draft, endorsed,—"Respecting a small missionary establishment." The Home Missionary spirit was awakening about this time. See Memorial of A. B. C. F. M. to Cong. 1824. *A. S. P. Ind. Affs.* II, 446. (J. S. F.)

There are two missionary establishments in this Country, one at upper Sandusky and one at the St Joseph's,[177] conducted on these principles. They promise to be permanently useful.

I can only add, that any assistance, which I can render, to promote the benevolent object in view, shall be cheerfully afforded.

I am etc

Mr. Albert Hodge.

[Indorsement]

Oct. 6. 1824.

To

Albert Hodge

Respecting a small missionary Establishment.

L. CASS TO R. ABBOTT AND JERRY DEAN.*

[Library of Congress—Schoolcraft Papers—1824.]

Detroit Oct 8. 1824

Gentlemen,

I regret, that I have been called upon to decide any question, relating to the temporary occupation of the Council house[178] for any religious purpose. Since I have had any control over the building, it has been freely used for all publick objects, for which it has been required, and will so be used, as long as that control continues.

The Methodist society[179] has held it's meetings in the building for some years. When the legislative Council were about to convene, I thought it due to that body, that they should have the exclusive control of the house, in which they were to hold their sessions. I therefore suggested to Mr. Abbott the propriety of changing the place of worship for the Methodist society from the Council house to the Academy.[180] Certainly with every

[177]Founded by Rev. Isaac McCoy in 1822, under the Baptist Missionary Board, and known as the Carey Mission. The Government co-operated under the terms of the treaty of Chicago, furnishing funds and employing McCoy and others as teachers. *Mich. Pion. and Hist. Colls.* II, 376, 377; V, 146; XIV, 259-260. (J. S. F.)

*Sketch of the life of Jerry Dean in Protestantism in Michigan, 138, and see same volume page 40 for Robert Abbott.—C. M. B.

[178]Draft. For location and sketch of the Indian Council House, see C. C. Trowbridge, Detroit in 1819, *Mich. Pion. and Hist. Colls.* IV, 472; also an engraving of the Old Council House Tablet erected Oct. 1901. *Bi-Centenary of the Founding of Detroit*, pp. 292, 294. (J. S. F.)

[179]The Methodist Society was incorporated in 1822. At this time (1824) preparations were making for erecting a church. Prior to this time the several Protestant denominations had united in The First Protestant Society in 1818 *Mich. Pion. and Hist. Colls.* I, 417 et seq.; III, 228. (J. S. F.)

[180]Erected by popular subscription, 1817-18, and opened as a classical academy in Feb. 1818. It was one of the germs of the University of Michigan. Lucy V. Salmon, *Education in Michigan during the Territorial Period* in *Mich. Pion. and Hist. Colls.* VII, 44. (J. S. F.)

expectation that on the adjournment of the Council, they would return. During the legislative session, however, application was made to me, on behalf of the episcopal society,[181] for permission to occupy the building for the purpose of publick worship. To Mr Sheldon, who made the application I stated distinctly the course I had taken, and that I considered the building within the exclusive control of the Council. I added however, that I had no objection to the proposition. Since my return I have conversed with Mr Sheldon on the subject, and he remembers the conversation as I do. If therefore any other impression of my views has been received, different from this, it neither accords with his recollections nor with mine.

Two months after the adjournment of the Council, I am requested to renew the former possession of the building. I cannot do this, without evicting a respectable society, who now hold their religious meetings in it. They are now in possession, and in a case, in which the rights of all are equal, how can I adopot [sic] so harsh a measure, as a dispossession would be? To permit the occupation of the house for any given purpose, and to turn out one society, that another might enter, are questions entirely different in their nature.

The room, I have no doubt, would be more convenient for your purpose, than that where you now assemble, and I regret that you cannot occupy it. Still however you are provided with a room, and the withholding of this will not deprive you of a place of meeting—were that the case, the subject would present more difficulty.

By the beginning of next May, the large room in the lower story of the Court house* will be finished— It will be larger and more convenient than any room in Town. I think it would accomodate your society better than any other. I can conceive no possible objections to your occupation of it.

From my view of the case, I cannot evict the episcopal society from the building, but you are at full liberty to occupy it at any time, which will not interfere with their established hours of publick worship.

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[181]Organized in August, 1824. *Mich. Pion. and Hist. Colls.* III, 229. (J. S. F.)

*The Court House, or Capitol, subsequently the Detroit High School, was erected on Capitol Square, in the city of Detroit.—C. M. B.

I beg you to be assured, that it would have gratified me on this as it will gratify me on any future occasion to comply with your request

I am etc

Robert Abbott

Jerry Dean Esq) Committee of the Methodist Church—

[Indorsement]

8, Oct. 1824

To

Robt. Abbott and

Jerry Dean

Respecting occupation of the

Council House by the Methodist Society—

L. CASS TO LEWIS GRIGNON.[182]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit Oct. 21. 1824.

Sir—

Certain charges have lately been preferred against your official conduct as a Justice of the peace of Brown County. The original papers are placed in the hands of Robert Irwin Esq, Clerk of that County, for your inspection. I will thank to examine them and to transmit to me your answer in the premises as soon as possible.

I am etc

Lewis Grignon Esq

J. P.

Brown County

[Indorsement]

Oct. 21. 1824.

To Lewis Grignon.

Respecting certain charges touching his official conduct as a Justice of the peace—

[182]Draft. Lewis Grignon was a brother of Augustin Grignon, whose valuable *Recollections* are printed in *Wisconsin Historical Collections*, Vol. III. He assisted the British at Mackinac in 1812, and in 1814. After the War, he continued to reside at Green Bay. *Wis. Hist. Colls.* X, 90-139 *passim.* (J. S. F.)

L. CASS TO ROBERT IRWIN.[183]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit 21. Oct. 1824.

Sir—

I enclose herewith certain charges and affidavits touching the official conduct of Lewis Grignon Esq., one of the Justices of the peace of Brown County, their length being so great as to render it inconvenient to copy them before the departure of the vessel which takes this.

I will thank you to submit the papers to the perusal of Mr. Grignon and to permit him to take copies of them, after which please to return them to me.

I am etc

Rovert Irwin Jr. Esq
Clerk of Brown County.

[Indorsement]
Oct. 21. 1824.
To
Rob. Irwin Jr.
Enclosing charges against Lewis Grignon, Justice etc. Brown Coy.

L. CASS TO GEN. BROWN[184]

[Library of Congress—Schoolcraft Papers—1824.]

Detroit Dec. 2. 1824

Sir,

Feeling a deep interest in the application of the appropriation for making a road from this place to the Ohio line, I have requested from the War department the appointment of Superintendent, without compensation, but with the privilege of selecting an assistant. Should this arrangement be carried into effect, I then beg leave to submit to you the following suggestions.

The act for laying out and making this road provides for the cooperation of the military in its execution.[185] In fact without this assistance,

[183]Draft.
[184]Draft. General Brown was Commanding General of U. S. Army at this time.
[185]Act of May 26, 1824. The cooperation of the military was quite ordinary then. In 1818 a road was built by this agency from Detroit to the Maumee. See Gen. Macomb's report, *A. S. P. Miscell.* II, 537. (J. S. F.)

the appropriation will be insufficient to effect the object. I need not state to you the national as well as local considerations, which unite to render the completion of this work so important to this frontier. You are too well acquainted with the topography of the country to require any observations upon this subject.

From the Ohio line to Fort Meigs, a distance of about five miles, we must depend wholly upon the troops for making the road. The appropriation of $20,000 in consequence, I suppose of the constitutional difficulties, is confined to this Territory.[186] And yet the population at the southern extremity of the road is wholly insufficient to continue it to the Miami. It would be a subject of deep regret, should we not be able to complete this work, so as to meet the black swamp road running from Fort Meigs to the south eastward of Sandusky.[187]

There are also parts of the road in this Territory upon which it will be desirable, that the troops should be employed. We must husband our resources as much as possible, and aid them by all the means in our power, or $18,000, which only will be left, after defraying the expense of location, will be inadequate to making 60 miles of road through such a country—

In the cooperation of the troops, some systematic arrangements must be made, and it appears to me indispensible, that some authority here should be empowered as well as to control the application of the appropriation, as to direct the general employment and mode of operation of the military. The money, I presume, will be expended by contract, and upon the most difficult parts of the road, and where the troops can operate with the least effect. This will require previous examinations, and a comparison of the different sections of the road with one another. After that a general plan of operations must be formed and adhered to.

There are places along the road, where the troops can be advantageously employed during the winter. Particularly in felling trees and in preparing for causeways. Their health too, during this season, will not be exposed as in the latter part of summer and in the beginning of autumn. It is in fact the best season for working upon the wet part of the road.

Under these circumstances, and in the occurrence of the event I have first stated in this letter, I beg leave to request that orders may be issued to the Commanding officer here, directing him to employ such portion of the troops under his command as may be proper in making the road

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[186]The Act provided for running the road to the Ohio line. (J. S. F.)

[187]See Cass on the Black Swamp Road, n. d. 1814-1815 supra. (J. S. F.)

between this place and the Miami, at such times and places, and in such manner, as I may direct. Should there be any danger in your opinion of an improper use of this authority, it may be restricted in any manner, you may think proper. I am only anxious, that the work should be done and well done.

Very etc

Maj. Gen. Brown
Etc

[Indorsement]
2. Dec. 1824.

To
Genl. Brown.
Respecting the road to Ohio—

LEWIS CASS TO ELISHA W. RUMSEY.

[Smithsonian—Schoolcraft Papers—File Case A. No. 408.]

Detroit 6 May 1825.

Sir

I transmit for your acceptance a Commission of Justice of the Peace for the County of Wayne.

I am etc.

Elisha W. Rumsey Esq
Ann Arbour.

[Indorsement]
6 May 1825.

To
E. W. Rumsey
With commission as Justice of the peace—

(Draft.) LEWIS CASS TO REV. ISAAC McCOY.[188]

[Schoolcraft Papers—Smithsonian—File Case A.]

Detroit May 6. 1825.

Dear Sir,

I enclose you a commission as a Justice of the peace for the County

[188]Draft, endorsed,—"With Commission as Justice of the peace and *dedimus potestatem*." McCoy was founder of the Carey Mission at St. Joseph's in 1822. See Memoir, *Mich. Pion. and Hist. Colls.* V, 146; I, 121. (J. S. F.)

of Monroe. I enclose also an authority which you will fill with the name of the most competent person at your establishment. Let him administer to you the oath of office, and then make a return of the proceedings to the Secretary of the Territory.

This is the only method, by which the selling of spirituous liquors to the Indians by persons upon the publick lands can be prevented.[189] You have a right in all cases to appoint a special constable to execute process, and in the last resort, you must commit to the Gaol at Monroe on the River Raisin. The remedy is a tedious and troublesome, but it is all that is provided by the law.

I will direct the laws to be sent to you.

I am &c

Rev. Isaac McCoy
St. Joseph.
(Endorsement)

6 May 1825.

To
Revd. Isaac McCoy
With Commission as Justice of the peace & dedimus potestatem.

L. CASS TO SECRETARY OF WAR.[190]

[Smithsonian—Schoolcraft Papers—File Case A. No. 351.]

Detroit June 1. 1825

Sir,

The Governor of Illinois has transmitted to me the copy of a letter, which he has addressed to the War department, requesting that some competent military officer may be instructed to ascertain by proper observations, where the parallel of 42° 30′, the boundary between Illinois and Michigan strikes the Mississippi.

Of the difficulties, which he states have occurred at Fever River I know nothing, nor did I know, that the jurisdiction of this Territory to that district of country was disputed or doubted.[191] Magistrates and

[189]For the sad failure of these efforts see *Mich. Pion. and Hist. Colls.* XIV, 260, 261. (J. S. F.)

[190]Draft, endorsed,—"Respecting Gov. Coles' letter and the boundary between Illinois and Michigan." (J. S. F.)

[191]The lead mines of this district were then attracting a rush of emigrants. Uncertainty continued respecting the boundary till 1830 when it was officially defined, and most of the Fever river district was found to be in Illinois. *Wis. Hist. Colls.* X, 236, 237; XI, 464, 465; XIII, 290, 291. (J. S. F.)

other officers have been appointed there, and if any occurrence has happened to impede them in the ordinary execution of their duties, it has never been reported to me. I can readily conceive, that the slightest doubt respecting a territorial boundary may afford a pretext to many to shield them from the operation of the laws. But no government ought to refrain from the exercise of its accustomed jurisdiction, except for causes, which admit no doubt in the application of the principles or in the investigation of the facts.

I can see however no objection to the course suggested by Governor Coles. Should a competent scientifick officer be instructed to ascertain the point, where the boundary between Illinois and Michigan intersects the Mississippi, his report would doubtless be deemed satisfactory for present purposes, and until the population of the border country should be such, as to render it important to determine the question with the utmost practical accuracy. I presume, that either government would restrain the exercise of its jurisdiction to its own side of the boundary, established under the direction of the War department.

I shall soon visit Prairie du Chien, and shall not fail to collect all the information in my power upon this subject. And I trust it is almost unnecessary to add, that I shall prevent the commission of any act, which would be disagreable to the government, or which would tend to interrupt the peace of that part of the country.

It may not however be improper to add, that the ultimate establishment of the boundary between the state of Illinois and that part of this Territory lying west of lake Michigan is a question, which will probably, at no distant day, be submitted to the consideration of Congress. The provisions of the Ordinance of Congress of July 13. 1787 defining the boundaries of the states, which might be there after laid out north of the Ohio are declared by that instrument to be unalterable. One of these boundaries is a line to be drawn east and west through the southerly extreme of Lake Michigan. But the act of Congress, authorizing the people of Illinois to form a constitution and state government, extends their northern boundary many miles north of the southern extreme of Lake Michigan.

This change of boundary was probably made without any reference to the provisions and obligations of the Ordinance of July 1787, and the justice and expediency of resorting to that fundamental law for the determination of all questions affecting the governments created by it

will doubtless be contended for by those, who may be interested in a re-examination of the subject.

Very etc.

Hon. James Barbour
Secy of War.

[Indorsement]
[sic]
June 8. 1825.

To
The Sec. of War—
Respecting Gov. Coles letter and the boundary between Illinois and Michigan.

L. CASS TO AUSTIN E. WING.[192*]

[Smithsonian—Schoolcraft Papers—File Case A. No. 352.]

Detroit June 7. 1825

Sir,

I have already informed you, that you were appointed, in conformity with instructions from the War department, to superintend the making of the road from Detroit to the Ohio line, near the rapids of the Miami.

In the execution of this duty, the general principles will be furnished by the contracts, which have been entered into. As you have these in your possession, it will not not [sic] be necessary to advert specifically to their provisions. It may be observed in general, that a rigid compliance with the letter and spirit of the contract must be required from every person, engaged in the work. It is the only safe principle, we can adopt, and a departure from it will be equally impolitick and unjust.

It is essentially necessary, to secure this object, that you should carefully examine and inspect the whole progress of the work Your undivided attention must be devoted to it, and every departure from the principles laid down must be instantly corrected. As you are well acquainted with the Country, through which the road passes, it is unnecessary for me to be more minute in these instructions.

[192]Draft. Cf. supra Cass to Brown, Dec. 2, 1824. (J. S. F.)

*Austin E. Wing was born in Mass. in 1792, came to Detroit during the war and lived there for some years. He was sheriff of Wayne County in 1825; delegate to Congress three times; regent of the University; member of the Constitutional convention and representative in the Legislature. After residing in Detroit some time he moved to Monroe and died there Aug. 25, 1849.—C. M. B.

Maj. Baker, [192½] the commanding officer here, has been authorized to employ the troops to aid in the construction of the road. As I am compelled to be absent upon publick business for some time,[193] it is out of my power to make any arrangements with Maj. Baker upon this subject. I must therefore request you to attend to this duty, and to afford such aid from the fund appropriated for making the road, as may be proper in itself and necessary to secure the cooperation of the troops.

As the duty of disbursing the money will devolve upon you, I think it will be necessary that you should give bond to the U. S. with two sufficient sureties, in the sum of $10.000—for the faithful paying out and accounting for all the money, you may receive. The competence of the sureties should be certified by the District Attorney. After this bond is executed, you can draw upon the War department for the sum of $5000, to be expended as the progress of the road may require. Other sums will in like manner be hereafter drawn for, as they may be wanted.

Your compensation will be three dollars per day for every day engaged in the execution of this duty.

I am etc.

Austin E Wing Esq.

[Indorsement]

June 7. 1825.

To

Austin E. Wing

Instructions respecting the road from Maumee to Detroit.—

L. CASS TO SECRETARY OF WAR.[194]

[Smithsonian—Schoolcraft Papers—File Case A. No. 353.]

Detroit June 7. 1825

Sir,

In conformity with instructions from the War dept. of Feby 19. 1825 I have appointed Austin E Wing assistant Superintendent of the road from the foot of the rapids of the Miami to Detroit.

I have given him the necessary instructions, and have fixed his compensation at three dollars per day.

[192½] Major Daniel Baker born in New Hampshire enlisted in 16 U. S. Inf. Jan., 1799, rose to Major Third 1821 and to Lt. Col. 1829. He was especially commended for distinguished service at battle of Brownstown, Mich. He died Oct. 30, 1836.

[193] Attending a treaty at Prairie du Chien. (J. S. F.)

[194] Draft.

I enclose his bond for the faithful execution of the duties of the appointment.

Very etc.

Hon James Barbour
Secy of War

[Indorsement]
June 7. 1825.

To
The Secretary of War
Respecting the appointment of A. E. Wing and enclosing his bond as Superintendent of the road to Meigs.

L. CASS TO SECRETARY OF WAR.[195]

[Smithsonian—Schoolcraft Papers—File Case A. No. 355.]

Detroit June 8. 1825

Sir,

I have this day authorized Austin E Wing assistant Superintendent of the road from the foot of the rapids of the Miami to Detroit to draw upon the War department for the sum of $5000, on account of the appropriation for the construction of that road by the act of Congress of May 26. 1824.

This amount is to be paid to the contractors, as the progress of the work may require, and to be hereafter accounted for by Mr. Wing.

Very etc.

Hon. James Barbour
Secy of War.

[Indorsement]
June 7. 1825.

To
The Sec. of War
Advising him of the authority given to A. E. Wing, to draw upon the Dept. for $5.000.—

[195]Draft.

GOVERNOR CASS TO EDWARD D. ELLIS.[196]

[Smithsonian—Schoolcraft Papers—File Case A. No. 350.]

Detroit June 8. 1825.

Dear Sir—

I enclose under cover to you a letter for the Secy of State, which, after perusing, you can deposit in the post office.

I sincerely hope it may prove useful to you, and that your establishment may be permanent and profitable.

Any aid, which I can render you shall be given with great pleasure—

Very etc.

Edward D. Ellis Esqr.

[Indorsement]

June 8. 1825.

To

Edw. D. Ellis

Enclosing a letter in his favour to the Sec. of State.

L. CASS TO SECRETARY OF STATE.[197]

[Smithsonian—Schoolcraft Papers—File Case A. No. 348.]

Detroit June 8. 1825.

Sir

A newspaper entitled the Michigan Sentinel has been recently established by Edward D. Ellis at Monroe (River Raisin) in this Territory. It appears to me it would be proper, that the laws of the U. S. should be published in this paper.[198] In the several Territories, where the U. S. possess the entire sovereignty, as well as the right of soil, the laws of the General Government operate in the community more frequently, than in the respective States. But the means of information seem to be in an

[196]Draft, endorsed,—"Enclosing a letter in his favour to the Sec. of State." Edward D. Ellis, a leading citizen of Monroe, was at this time just beginning to print the Michigan Sentinel. When published it consisted mainly of laws. *Mich. Pion. and Hist. Colls.* I, 394n, 395. ((J. S. F.)

[197]Draft, endorsed,—"Requesting that Mr. Ellis be authorized to publish the U. S. Laws in the *Michigan Sentinel.*" (J. S. F.)

[198]See *Mich. Pion. and Hist. Colls.* I, 394n 395. (J. S. F.)

inverse ratio to the importance of the laws. Newspapers are not frequent, and the great body of the people are unable to ascertain the most important requisitions of the government, under which they live.

I take the liberty therefore of suggesting the propriety of authorizing Mr. Ellis to publish the laws in his paper. I am satisfied there is no part of the country, where such a measure is more wanted, or where it would be productive of more advantages.

Very etc.

Hon. Henry Clay
Secy of State.

[Indorsement]
June 8. 1825.

To The Sec. of State.

Requesting that Mr. Ellis be authorized to publish the U. S. Laws in the Michigan sentinel.

L. CASS TO SECRETARY OF STATE.

[Smithsonian—Schoolcraft Papers—File Case A. No. 349.]

Detroit June 8. 1825

Sir,

It has become important to me to ascertain the precise date of my resignation, as Marshal of the District of Ohio[199] in October or November 1813. You will much oblige me by causing a copy of the letter of resignation to be transmitted to me at Chillicothe Ohio, to the care of John Thompson Esquire of that place.

Very etc.

Hon. H. Clay
Secy of State

[Indorsement]
June 8. 1825.

To
Honr. Henry Clay.

Requesting a copy of my letter of resignation as Marshal of Ohio to be transmitted to me.—

[199]Autograph draft, endorsed,—"Requesting a copy of my letter of resignation as Marshal of Ohio to be transmitted to me." Cass had been commissioned in 1807 by Jefferson as a reward for his support of the Administration in the Burr affair. McLaughlin, *Lewis Cass*, p 50. (J. S. F.)

L. CASS TO GOVERNOR OF ILLINOIS.

[Smithsonian—Schoolcraft Papers—File Case A. No. 347.]

Detroit June 9. 1825

Sir,

I have the honour to acknowledge the receipt of your letter of the 20th of April.[200]

The first and only information, which has reached me, respecting any difficulties in the Fever river Country, arising out of a contested jurisdiction between Illinois and Michigan, is contained in your letter. I presumed until its receipt, that the jurisdiction of this Territory was universally acknowledged and quietly obeyed there. I shall leave here in a few days for Prairie du Chien, where I shall not fail to inquire into the circumstances, and to take such a course as they may appear to require. And I shall certainly do this, with every disposition to promote the most friendly feelings between our our [sic] respective governments, and with sentiments of respectful consideration towards the claims of Illinois.

In the mean time I have written to the Secretary of War, and expressed to him my concurrence in the views which you have taken respecting the tempory [sic] establishment of the boundary line between Illinois and Michigan upon the Mississippi River.

As my letter to the War dept suggests considerations upon the eventual establishment of this boundary, which are deemed important by the citizens of this Territory, and which will probably hereafter be brought into discussion, I take the liberty of transmitting to you a copy of it.

Very etc.

His Excellency
Edward Coles
Governor of Illinois
Edwardsville

[Indorsement]
June 9. 1825.

To
Governor Coles,
Illinois—

Respecting the boundary line between Michigan and Illinois and difficulties in Fever river Country.

[200]Draft, endorsed,—"Respecting the boundary line between Michigan and Illinois and difficulties in the Fever river Country." Cf. *supra*, Cass to Secretary of War, June 1, 1825. (J. S. F.)

L. CASS TO SECRETARY OF WAR.[201]

[Smithsonian—Schoolcraft Papers—File Case A. No. 356.]

Detroit June 12. 1825.

Sir,

Your letter of the 27th ulto, which I had the honour to receive this day, did not reach me till after the transmission of my letter of the 8th. instant.

In conformity with your suggestion I shall withdraw the jurisdiction of this Territory from that portion of country upon the Mississippi claimed by Illinois, unless I should find on my arrival upon that river that there are considerations connected with this subject, which have not been reported to you; and in that event I shall not fail to communicate them for your final decision.

In the mean time, I cannot but hope that measures will be adopted for the permanent establishment of the boundary between this Territory and the State of Illinois.

Very

Hon. James Barbour
Secy of War.

[Indorsement]
12. June 1825.

To
The Sec. of War
Concerning the boundary betw. Michigan and Illinois.—

CASS TO THE PRESIDENT.[202]

[Smithsonian—Schoolcraft Papers—File Case A. No. 249.]

Prairie du Chien, Aug. 8. 1825—

Sir,

The calumnies heaped upon our government and country by the English journals, and particularly by the Quarterly Review, have, there is

[201] Draft, endorsed,—"Concerning the boundary line betw[een] Michigan and Illinois." Cf. *supra*. (J. S. F.)

[202] Draft. The portion in asterisks is in Schoolcraft's handwriting. For Governor Cass's deep interest in Indian problems, and his views, see Schoolcraft Papers, to be published later; see also his contributions to the *North American Review*, alluded to here. (J. S. F.)

no doubt, long ere this, excited your indignation. Some of these have been ably refuted, at the tribunal of publick opinion, where we have been arraigned. But a series of articles has appeared in the Q. R. on the subject of our Indian relations, equally acrimonious in their temper and unfounded in their assertions, and the number of that jou[r]nal for last autumn, contains a most virulent essay upon the same topic, written with an affected precision in its details, well calculated to produce an effect upon the general reader. I regret, that these diatribes have not been put down as they might be, and as they should be. It is probable that the want of a minute knowledge of details, difficult to be acquired, yet essential to these investigations, has deterred many, who would otherwise have been anxious to execute the task and who would have executed it with ability. My local residence and official station have have [sic] been favourable for the acquisition of this information; and I have determined, tho without any other qualification, to prepare an article for the Jany number of the N. A. Review, embracing a full view of the conduct and policy of our government towards the Indian, and containing, I hope, a satisfactory refutation of these aspersions. In this investigation, I may be led to examine the motives of the British govt. in the distribution of presents to our Indians, and having been informed by Mr. Monroe, that this practice had been the subject of a diplomatick correspondence between our govt. and that, and having in fact been offered an inspection of it, I have ventured to ask whether you would be pleased to direct copies of it to be transmitted to me with permission to make such general opinions to it, as the course of the discussion may render necessary. Nothing but the deep interest, which I am certain you feel in this subject could have induced me thus to address the Chief Magistrate of the republick, and in this motive I trust you will find an excuse for the trouble thus given to you.

I may be also led to animadvert upon the proposition to remove the Indians to the country west of the Mississippi, and my opinion being unfavourable to that plan,[203] the expression of it would not be withheld. Assuredly, the topic would be discussed in a manner the most respectful to the govt and with the warmest approbation of its views. I beg leave to inquire whether this procedure would be disagreeable to you. If so it the design will be instantly abandoned.

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[203] This is at variance with his later opinion on this subject. See his article in North American Review in 1830, and his report as Secretary of War in 1831. *A. S. P. Milit. Affs.* IV, 713-717. (J. S. F.)

I have communicated my design to Colo McKenney[204] alone, and to him because I was desirous of procuring certain papers which were to be found only in the Beureau of Indian Affairs at Washington.

Should you be pleased to favour me with an answer, it would find me at Detroit in the cou[r]se of a few weeks.

To the President of the United States.

[Indorsement]

P. du Chien. 8. Aug 1825.

To The President of the U. States.

L. CASS TO GOVERNOR OF ILLINOIS.[205]

[Library of Congress—Schoolcraft Papers—1824.]

Shawnee Town Sep 10, 1825.

Dear Sir,

Since I wrote you on the subject of the contested boundary between Illinois and Michigan upon the Mississippi, I have visited the country on Fever River, and although I have reason to believe, that little dependence can be placed upon the observations, by which the latitude of that place has been calculated, still a proper deference for the opinion of the War Department, and I may add a just regard for that comity, which is due towards a member of the Union have induced me to instruct the local authorities in the County of Crawford not to exercise any farther jurisdiction until the question of boundary is definitively adjusted. I shall this winter urge upon the government the necessity of deciding the point at as early a day as practicable, and until this is done, I have to request that the claims of Illinois may be suspended as well as those of Michigan. Considering the division of sentiment among the settlers at Fever river, I am confident, the exercise of jurisdiction by either party would be more injurious than useful; and it is not probable, that any

[204]Thos. L. M'Kenney, Chief of Bureau of Indian Affairs, 1824-1829, and previous to that time Superintendent of the Indian Trade. Author of "Tour to the Lakes" (1827) and Memoirs and Travels and the Wrongs and Rights of the Indians (1846). (J. S. F.)

[205]Draft. Cf. *supra*. (J. S. F.)

material evils will result from this temporary suspension of the ordinary operation of the laws.

With much respect
I am, Dear Sir
Your Ob. Sevt.

His Excy.
Edward Coles
Governor of Illinois—
[Indorsement]
Shawneetown, Illinois
Sep 10. 1825.

To
Edward Coles
Gov. of Illinois.
Respecting the contested boundary between Illinois and Michigan.

P. HAGNER TO GEO MCDOUGALL.[206]

[Library of Congress—Schoolcraft Papers—1825.]

Treasury Department
3rd Auditor's office
19th. Octr 1825

Sir

Several additional depositions in relation to your claim for buildings destroyed by the enemy at the River Raisin during the late war were received at this office a few days since in a blank envelope.—They do not afford such testimony as in my letter on the subject to Mr Larned your attorney I expressed to be necessary.—No buildings can be considered by me as having been occupied by the order of Col Lewis other that the three which he has himself testified to have been so occupied, and with respect to those I required that they should be clearly designated—this has not been attempted but the depositions state that all your buildings were occupied by the troops without naming any other officer than Col Lewis as having ordered the occupation—evidence of an

[206]A. L. S. This letter is included here for the reason that it bears on the subject of claims, and probably was referred to Gov. Cass for advice. The claim here referred to fell under the provisions of an act to authorize the payment for property lost, captured or destroyed by the enemy, while in the military service of the U. S. and for other purposes, Apr. 9, 1816. *Stats. at Large* III, 261. (J. S. F.)

occupation not ordered by an agent or officer of the United States is insufficient to bring a building within the law, and to establish the fact of its having been occupied by such an order it is necessary as I have before informed you, to have the deposition of the officer who issued it—no testimony in lieu of his will be admissible unless he be named and proved to be either dead or out of the United States.—In one of the depositions sent, that of Medare Couture, the witness has I observe declared two of your houses to have been occupied by order of Col Lewis—he does not profess however to have heard the Colonel give the order nor explain how otherwise the fact came within his knowledge—Until the additional testimony called for in the several other cases from the river Raisin be received, it will not be practicable for me to decide to what three houses there, the Colonel's order applied, nor of course whether it extended to any of yours—With regard to the estimates made in the new depositions of the value of your buildings separately I have to observe that the same exceed by $100 the amount reported by the Special commissioners and declared by two of the former witnesses, as their worth in the aggregate, and that none of the witnesses are shown to have been builders or otherwise qualified to judge in such cases

Respectfully

Your obed sevt

Peter Hagner

Aud

Geo. McDougall Esq.
Detroit
Michigan T.

[Indorsement]

Oct 19. 1825
To. Geo. McDougall
from
Peter Hagner. 3 Audr.

[Address]

Treasury Department
3d Aud. office
P Hagner

[Seal]
Washn. City
Oct 20

Geo. McDougal Esq
Detroit
Michigan Terry

ROBERT STUART[207] TO L. CASS.

[Smithsonian—Schoolcraft Papers—File Case A. No. 338.]

New York October 24th. 1825

Dear Sir

Your esteemed favor of 14th inst. I received a few days since; and have the pleasure to inform you in reply, that altho' Mr. Astor is very averse to doing business in the manner required by Col. Hunt;[208] he has agreed to give a conditional acceptance, as suggested in your letter— The details of the affair will be arranged with him by Mr. Abbott—

Should you take New York in your way to Washington, I hope you will give us notice of your arrival—

Please present the respects of Mr. Crooks and myself to Mrs. Cass— and believe me to be with much respect

Dear Sir
Your Obt Servt.
Robert Stuart

To
His Excy.
Lewis Cass Esqr)
Detroit)

[Indorsement]

Octr. 24. 1825
From Robert Stuart
relative to the acceptance of a draft.—

[Address]

His Excy Lewis Cass Esqr.
Detroit
M T.
Hond. by J. N. Baily Eq

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[207]A. L. S. Robert Stuart and Ramsey Crooks were next to John Jacob Astor, the leading spirits in the American Fur Co. For Stuart's life and public services see sketch by a contemporary, C. C. Trowbridge, *Mich. Pion. & Hist. Colls.* III, 52-66. (J. S. F.)

[208]Henry Jackson Hunt (or erroneously Henry I. Hunt) of Detroit. (J. S. F.)

L. CASS TO ATTORNEY GENERAL.[210]

[Smithsonian—Schoolcraft Papers—File Case A. No. 367.]

Detroit Nov. 8. 1825

Sir,

I have rec'd your letter of the 4 inst. r[e]quest[in]g that an inquiry may be instituted into your conduct as Atty Genl. in consequence of the charge of "gross and scandalous corruption in office," which has been made agt you.

Never having doubted the subject of your official conduct and satisfied that your motives in the discharge of your publick duties have been pure, I cannot accede to the r[e]qu[e]st you have made.

Very

Ch. Larned Esq
Atty. Gen—

[Indorsement]
Nov. 8. 1825

To,
Charles Larned*
Concerng. the charges made against him

LEWIS CASS TO SECRETARY OF STATE.

[Schoolcraft Papers—Smithsonian. File Case A.]

Detroit Dec. 2. 1825

Sir,

In conformity with the provisions of the act of Congress on that subject, I have the honour to transmit the names of the twenty six persons† elected

[210]Draft.

*This letter was printed in the Detroit Gazette Nov. 15, 1825, and in the preceding numbers of that paper are several contributions on the same subject. The result was that Larned was forced to resign.—C. M. B.

†The members elected were: Abraham Edwards, Henry Connor, Andrew G. Whitney, Robert A. Forsyth, Laurent Durocher, Wolcott Lawrence, Hubert Lacroix, Sidney Dole, William T. Mosley, John Stockton, William A. Burt, Zephaniah W. Bunce, Robert Irwin Jr., John McDonell, Louis Beaufait, Joseph Spencer, William Little, Charles J. Lanman, John B. Cicot, Gabriel Godfroy, Daniel LeRoy, Daniel Bronson, Christian Clemens, John Bennett, Eber Ward, and James Duane Doty. The thirteen first named in the list, were chosen by the president to compose the council.—C. M. B.

by the people of this Territory, from whom thirteen[211] are required to be appointed by the President, to compose the Legislative Council.

Very etc.

Hon Henry Clay
Secretary of State.

[Endorsement.]
Dec. 2. 1825

To the Secy of State, transmitting the return of Members of the Council.

WM. WOODBRIDGE TO JAMES WOLVERTON.[212]

[Library of Congress—Schoolcraft Papers—1826.]

(Copy)

Detroit Jany 13. 1826

Sir,

I have had the hon'r to receive yr. communication of the 26th. ulto. purporting to convey an expression of the wishes of the Citizens of St. Clair County concerning the filling of certain vacancies, which it seems to have been supposed were created by the operation of the Act "to prescribe the tenure of certain offices."[213]

I have considered that communication with all that respect, which is due to every deliberate expression of the wishes of a respectable community.

It is manifest however, that it is not contemplated by the fundamental principles of our present Government that Judicial Officers—especially such as constitute that highly important tribunal, the County Court, should be elective—by the people.—Upon these fundamental principles, established—not *by* us—but for *us*—by the parent Govt. it is not necessary fr me to comment—but it is matter of Duty for me to give effect to them—accordingly to their spirit—whenever in the necessary absence of the Gov'r the administration of this Govt devolves upon me:—And

[211]Draft. In 1825 Congress amended the Act of Mar. 3, 1823, increasing the number of the Legislative Council from nine to thirteen. As in the former act, the electors of Michigan simply nominated double the number, out of which the president made the appointments. *Stats. at Large* IV, 80, 81. (J. S. F.)

[212]A copy, endorsed,—"Relative to a petition on the subject of certain vacancies of office." James Woolverton was first sheriff of St. Clair County, a Justice of the Peace and assistant assessor. *Mich. Pion. and Hist. Colls.* VI, 407-411. (J. S. F.)

[213]By the provisions of this Act, Mar. 30, 1825, county officers not made elective by act of Congress, Feb. 5, 1825, were to hold their commissions for periods of four years each, subject to removal by the Governor. The commissions of present incumbents were to expire Dec. 31, 1825. (J. S. F.)

although a "popular Judge"—is proverbially—a dangerous one in a Country, governed by *laws*, not men,—yet I will not disguise it, that I should always feel it my duty, to treat with the highest regard, a communication such as I have been honoured with by you.[214]

Nevertheless Sir, I do not feel authorized, by a high handed executive act, to revoke the commissions of the present incumbents, of the Offices named in your communication. Against them, no charges of improper conduct, or of unfitness, have been preferred;—and it seems manifestly to have been the expectation of the Legislative Council, that such Incumbents should for the present and I presume until the next meeting of the Legislature, be continued in Office.—This I think will be apparent by reference to the Act intitled [sic] "An Act to prevent the vacation of Offices in certain cases."[215]

Entertaining such general views on this subject I do not feel myself justified in complying with the apparent wishes of the Citizens of St Clair, by revoking the commissions of Gen'n appointed heretofore by Gov'r Cass, and against whom no charges have been urged of unfitness or of improper conduct

It gives me pleasure however to say to you that for such persons as have been recommended to be Justices of the Peace and as are not now in commission—appointments will be made out—

I will feel obliged if you will have the goodness to communicate to the Citizens of St. Clair, who seem, for this purpose to have constituted you their agent, the views I have herein the hon'r to communicate to you

and remain with due respect

Yr obed Servt.

Wm. Woodbridge

Secy of Michigan and at present vested with the powers of Gov' thereof.

To James Woolverton Esquire

[Indorsement]

Jany 13. 1826

To/ James Wolverton.

Relative to a petition on the subject of certain vacancies of Office.

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[214]Gov. Cass discussed this subject in his Message to the Legislative Council 1st Session, 2nd Council. In brief, he stated that he would renominate all officers who had faithfully performed their duties. Of mere rotation in office he did not approve. Where he made new appointments he would regard the expression of popular desire as conclusive unless offset by other considerations affecting the public welfare. (J. S. F.)

[215]An Act of Apr. 21, 1825, provided that present incumbents should continue in office till their successors were qualified. (J. S. F.)

L. CASS TO POSTMASTER GEN. McLEAN.[216]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit May 22. 1826

Sir,

The delay in the arrival of the mail, particularly from Washington, is a serious publick and private injury. This is the eighteenth day, since we heard from that mail. We have papers from Massachusetts and New Hampshire, which contain as late accounts of the proceedings in Congress, as are contained in the Washington papers. This fact alone proves clearly, that there is some mismanagement upon the route. Our mail is tri weekly, but the one, which arrives on Saturday is wholly useless. We receive neither letters nor papers by it. The distance from here to Washington does not exceed five hundred miles, and ten days are more than sufficient to accomplish it in

It is only necessary to state these facts to you to insure a correction of the evil, as far as it is within the power of the General Post Office.

Very etc

Hon. John McLean
Postmaster General.

[Indorsement]
May 22. 1826.

To
The Post Master General.
Respecting the delay of the Mail.

L. CASS TO COMMITTEE OF ARRANGEMENTS FOR A PUBLIC DINNER IN HIS HONOR.[217]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit March 2. 1826

Gentlemen,

The many proofs of favourable regard, which I have received from my fellow Citizens of Detroit merit and meet my warmest acknowledgements. In a spirit of generous partiality, they have estimated my publick services

[216] Draft, endorsed,—"Respecting the delay of the mail." (J. S. F.)
[217] Draft, endorsed,—"To Com. of Arrangements for Pub. Dinner, to be given Gov. Cass." (J. S. F.)

at a much higher value, than I had any right to expect. If in the discharge of the complicated duties entrusted to me, during the long period in which I have filled the office of Chief Magistrate of the Territory, I have so conducted, as to satisfy my fellow citizens generally, I shall have attained one of the objects, nearest to me in life.

The invitation* which you have given to me, I accept with pleasure, and I beg you to convey to the gentlemen, whom you represent, and to receive for yourselves the assurance of my grateful respect for this new evidence of kindness

Very etc

[Indorsement]

March 2. 1826.

To/

Com: of Arrangements for Pub. Dinner, to be given to Gov. C.

L. CASS TO HENRY S. BAIRD.[218]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit, March 3. 1826

Sir,

Your resignation of the office of Justice of the peace for the County of Michillimackinac has been received, and agreably to your request, I have the honour to inform you that it has been accepted.

Very

Henry S. Baird Esq

Green Bay.

[Indorsement]

March 3. 1826.

To/

Henry S Baird.

Accepting his resignation as Jus. Peace for Co. of Michillimackinac.—

*The Gazette of March 7, 1826, contained this report, "Gov. Cass arrived home last Tuesday. A large number of citizens, to testify their respect for Gov. Cass, gave a dinner in his honor at Woodworth's hotel last Saturday and the officers of the army will this evening give a splendid ball, in his honor, at Military Hall."—C. M. B.

[218]Draft. Henry S. Baird resided at Mackinac from 1822 to 1824, when he went to Green Bay, and practiced law. Apparently he retained his Commission as Justice of the Peace for Michilimackinac County till this time. He filled many offices in Territorial and State Government in Wisconsin and his contributions to early Wisconsin history are valuable. *Wis. Hist. Colls.* II, 72-98; IV, 197-223. (J. S. F.)

L. CASS TO JOHN BALDWIN.[219]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit March 20. 1826

Sir,

In conformity with the application of the Citizens of the Township of Erie, I transmit you a Commission appointing you a Justice of the peace for the County of Monroe.

In the same application, it was requested that a similar commission might be issued to Mr. Hubbard.[220] But it is out of my power to make more than one appointment, and that for the vacancy occasioned by the resignation of Mr. Stickney. It is provided by the acts of Congress on this subject, that all appointments shall be made by nominations from the Governor to the Legislative Council, and by their confirmation. Vacancies, which occur during the recess, are to be temporarily filled by Executive appointment. And this is all the authority given to the Governor to make appointments. As but one vacancy has occurred during the recess, but one Commission can be issued.

I will thank you to state this matter to the Citizens, who signed the application, and to assure them, it would have afforded me pleasure to make both of the appointments, had the law given me authority to do so.

Very etc

John Baldwin Esq.
Port Lawrence.

[Indorsement]
Mar. 20. 1826

To
Jno. Baldwin transmitting appointmt. of Justice of the peace for the County of Monroe.

[219]Draft.
[220]Eli Hubbard, first Supervisor of Port Lawrence township. (J. S. F.)

L. CASS TO MRS. ELIZABETH CASS.[221]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit March 20. 1826

Madam,

Your letter of the 11th of Dec. last, directed externally to Governor Cass, but addressed within to "Mr Stephen Cass" has been received by me. As it is apparently written in good faith, I have thought it proper to inform you, that I am not the person, whose residence and circumstances you are desirous of ascertaining. I presume that a letter addressed to him, agreably to the direction, mentioned by you, would speedily reach him. But lake Fear in North Carolina is more than a thousand miles from this place, and I have no personal acquaintances in that quarter. My ancestors left England almost two centuries ago, and I do not know, although I should be pleased to ascertain, from what County they emigrated

I am Madam
respectfully
Your ob sev

Mrs. Elizabeth Cass
at the Crown Hotel
Waymouth
England

[Indorsement]
March 20. 1826.
To/ Mrs. Elizabeth Cass.
England.

GENERAL ORDERS.[222]

[Smithsonian—Schoolcraft Papers—1826—File Case 4.]

Head Quarters
Detroit April 3d. 1826

In order to carry into effect, the provisions of the Act regulating the militia, passed at the last session of the Legislative Council, The Com-

[221]Copy in Schoolcraft's handwriting. (J. S. F.)
[222]The Act referred to was approved Apr. 2, 1825. *Territ. Laws* II, 235. (J. S. F.)

mander in Chief directs, that the Militia of the Territory shall Constitute a division, to be commanded by a Major General, which division shall be composed of two Brigades, each to be Commanded by a Brigadier General.—The Counties of Monroe Lenawe Washtenaw and Wayne, shall form the first Brigade; and the Counties of Oakland Macomb and S^{t}. Clair, and the unorganized Counties attached to them, and also the Counties of Michilimackinac Brown and Crawford shall form the Second Brigade.

Until General officers shall be appointed by the President of the United States, or until some other provision shall be made, and in Conformity with the said act of the Council, Colonel Richard Smyth of the Regiment of volunteers being the senior Colonel of the Militia of the Territory will perform the duties of Major General; Colonel John R Williams Adjutant General, being the senior officer within the limits of the first Brigade, will perform the duty of Brigadier General of the first Brigade; and Colonel John Stockton of the third Reg^{t}. being the senior officer within the limits of the second Brigade will perform the duties of Brigadier General of the second Brigade.

The Commander in Chief enjoins it upon the officers assigned to the Command of the division and Brigades, to proceed immediately to an examination of their respective Commands and to complete the organization of the same as soon as practicable.—He trusts they will set an example to the officers under them, of a faithful execution of their duties, and will enforce such discipline and subordination as will render the Militia of the Territory efficient and Respectable. Charles J. Lanman has been appointed Division Inspector, Shubael Conant, Division Quarter Master, and John P. Sheldon, Brigade Major of the first Brigade. They will be obeyed and respected accordingly.

By order of the Commander in Chief.

Jn°. R. Williams
Adj^{t}. Gen^{l}.

Mackinac

L. CASS TO DAVID OAKES.[223]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit April 6. 1826

Sir.

I received a few days since your letter of the 11th ulto. tendering

[223]Draft. David Oakes was also associate justice of the County Court. *Mich. Pion. and Hist. Colls.* VI, 409. (J. S. F.)

the resignation of the office of Supervisor of the Township of St. Clair in the County of St. Clair.

I have no authority now to accept the resignation of Supervisors. They are not appointed by the Executive, nor responsible to him. They are elected by the people, and under the control of the County Commissioners.

I am, Sir respectfully
Your obt servt

David Oakes Esq
St. Clair.

[Indorsement]
April 6. 1826.

To/
David Oakes.
Relative to his resignation of Supervisor of St Clair Township.

GENERAL ORDER.[224]

[Smithsonian—Schoolcraft Papers—File Case 4.]

Head Quarters
Detroit 4th. May 1826.

The following resignations in the Militia of the Territory, have been accepted by the Commander in Chief.

Abraham C. Truax Major, to take effect 18th. Septr. 1825.

John P. Sheldon Captain, to take effect 5. Mar. 1825.

Rueben Dodge Lieutenant, to take effect 26th. Augt. 1825.

And the following promotions and appointments have been made.

General Staff.

Abraham Edwards aid de Camp, appointed to be aid de Camp to the Commander in Chief, with the rank of Colonel.

De Garmo Jones aid de Camp appointed—to be aid de Camp to the Commander in Chief, with the rank of Colonel.

B. F. H. Witherell Judge Advocate; appointed to be Judge Advocate General, with the rank of Colonel.

[224] A. D. S.

Volunteer Regiment.

Lewis Davinport to be Adjutant, with the rank of Lieutenant, to take rank from the 30th. Octr. 1824.

First Regiment.

Jacques Campau Jr. promoted to be Major; vice Truax resigned.

Peter Van Avery promoted to be Captain of the 6. Company; vice Campau appointed Major.

John Roberts Jr. promoted to be Captain of the 5. Company; vice Sheldon Resigned.

Elisha Warren promoted to be Lieutenant; vice Roberts appointed Captain.

Amos Gordon promoted to be Lieutenant; vice Corbus removed out of the beat of Captain McCarthy's Company.

Third Regiment.

Jacob Tucker promoted to be Major; vice Perrin appointed Colo. of the 4th. Regt.

Charles Tucker promoted to be Captain of the 1st. Company; vice Jacob Tucker appointed to be major.

Benoit Tremble promoted to be Lieutenant; vice Tucker appointed to be Capt.

Fourth Regiment.

Elijah Fish promoted to be Lieutenant in the 1st. Company; vice John Miller appointed to be Captain of the 6th. Company.

John Waldron promoted to be Lieutenant of the 2d. Company; vice Swan appointed to be Captain of the 5. Company.

Benjamin Phelps appointed to be Ensign in the 2d Company.

Tiba Swan Jr. appointed to be Captain of the 5. Company.

Juda C Marsh appointed to be Lieutenant of the same Company.

John Miller appointed to be Captain of the 6. Company.

Samuel C Munson appointed to be Lieutenant; and Gilbert Brainard appointed to be Ensign of the Same Company.

Michilimackinac Compy.

Isaac Blanchard appointed to be Ensign; vice King promoted to be Lieutenant.

Green Bay Company.

Jacques Porlier promoted to be Lieutenant; vice Johnson appointed to be captain.

Prairie du Chien Compy.

Joseph Brisbois promoted to be Lieutenant; vice Findley deceased.

Elections will be held within the limits of the respective Companies to supply the following vacancies.

First Regiment.

In the 6t. Company lately commanded by Captain Jacques Campau Jr. for one Lieutenant and one Ensign.

In the 5. Company lately commanded by Captain Sheldon; for One Ensign.

In the 4t. Company Commanded by Captain McCarty for One Ensign.

Third Regiment.

In the 1t. Company lateley Commanded by Capt. Jacob Tucker for one Ensign.

In the 3d Company Commanded by Capt. Samuel Wilson, for one Lieutenant and one Ensign.

Fourth Regiment.

In the 1t. Company Commanded by Capt. Hotchkiss, for one Ensign.

In the 5. Company Commanded by Capt. Swan; for one Ensign.

In the Prairie du Chien Compy.

For the election of one Ensign.

In the Green Bay Company.

For the Election of one Ensign.

In the Sault de Ste. Ma[r]ie Compy.

For the Election of one Lieutenant and one Ensign.

The Elections required to be held by this order, will be conducted in conformity with the provisions of a General Order; bearing the 16 June 1821. and the return of the respective elections thus held, will be made by the respective Commanding officers, in whose Regiments and seperate Companies elections are directed to be held, to the Adjutant General as soon as practicable.

By order of the Commander in Chief.

Jnº. R. Williams

Adjutant Genl.

After General Order

Head Quarters

Detroit 6th. May 1826.

For reasons appearing to the Commander in Chief James Abbott Junr. is discharged from the troop of Cavalry in the Volunteer Regiment.

By order.

JNo. R. Williams

Adgt. Genl.

GENERAL ORDER.

[Smithsonian—Schoolcraft Papers—File Case 4.]

Head Quarters

Detroit 10t. May 1826.

To meet the wishes of the inhabitants of Washtenaw, as expressed in the proceedings of a public meeting held at Woodruff's Grove[225] on the 15. of April 1826.

The Commander in Chief directs, that an additional Company be established, within the said County; commencing at a point, between Ann Arbour and Woodruff's Grove, on a line running parallel with the east line of Township number Two, South, of range Six East, and extending said line each way, to the boundaries of said County.

The following appointments have been made in the said Company.

Andrew McKinstry to be Captain; Jonathan Kirk to be Lieut.; and Alvin Cross to be Ensign; they will be obeyed and respected accordingly.

By Order.

Jno. R. Williams

Adjutant. Genl.

L. CASS TO GEORGE JOHNSTON.[226]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit May 27. 1826.

Sir,

You will receive herewith a remission of the fines, which have been

[225]A. D. S. Woodruff's Grove was named after Benjamin Woodruff, first settler there. It was about a mile distant from what is now Ypsilanti. (J. S. F.)

[226]Draft. George Johnston, second son of John Johnston of Sault Ste. Marie, was appointed sheriff of Brown County, upon its organization in 1819. (J. S. F.)

imposed upon Capt. Belknap.[227] The costs of the prosecution are not remitted.

Very

George Johnston Esq
Sheriff of Brown Cty

[Indorsement]
May 27. 1826.

To/
Sheriff of Brown County.
Transmitting a remission of fine imposed on Capt. Belknap.—

CIRCULAR LETTER TO GOVERNORS OF STATES AND TERRITORIES.

[Library of Congress—Schoolcraft Papers—1826.]

Executive Department
Michigan Territory
Detroit June 1. 1826.

Sir,

Conformably to a resolution of the legislature of this Territory I have been directed by the Governor to transmit to your Excellency, for the use of the government of the accompanying map of the surveyed part of Michigan.[228] I will thank you to cause it's receipt to be acknowledged.

Very respectfully
Sir
I have the honour to be
Your ob Servt
Private Secretary[229]

His Excellency
The Governor of————

[Indorsement]
June 1. 1826.
Circular.
Transmitting maps of the surveyed part of Michigan to the respective Governors of the several States and Terrys.

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[227]Captain W. G. Belknap of 3rd Inf., was stationed at Mackinac. He rendered distinguished service in the Florida war, and in the war with Mexico, rising to the rank of Brigadier General. He was a personal friend of Gen. Brady. (J. S. F.)

[228]Draft. "The first general map of the Surveyed part of the Territory ** was published in 1825 by Orange Risdon," a pioneer of Washtenaw County. *Address* by Hon. L. D. Norris in *Mich. Pion. and Hist. Colls.* I, 327. (J. S. F.)

[229]R. A. Forsyth was secretary, and C. C. Trowbridge was Cass's secretary and accountant. (J. S. F.)

L. CASS TO E. W. RUMSEY AND JOHN ALLEN.[230]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit June 8. 1826

Gentlemen

After the most diligent search your bond for the performance of certain things in relation to the location of the seat of justice of Washtenaw cannot be found. It will therefore be necessary for you to renew it, and this it will be better to do, as soon as you may find it convenient to attend here for that purpose.

In the mean time you have my permission for proceeding to the erection of the bridge over the Huron, leaving the questions connected with the performance of the work to be determined agreably to the stipulations of the original bond.

Very etc

E. W. Rumsey
Esquires
John Allen
Ann Arbour.

[Indorsement]
June 8. 1826

To/ Proprietors of Ann Arbor.

Requiring a renewal of their bond; and giving permission for the erection of a bridge over River Huron.

CIRCULAR LETTER TO GOVERNORS.[231]

[Library of Congress—Schoolcraft Papers—1826.]

Executive Department
Michigan Territory
Detroit June 12 1826

Sir,

Conformably to a resolution of the Legislature of this Territory, I have been directed by the Governor, to transmit to your Excellency for

[230]Draft, endorsed,—"To Proprietors of Ann Arbor, Requiring renewal of their bond; and giving permission for the erection of a bridge over River Huron." Cf. *Mich. Pion. and Hist. Colls.* I, 333; IV, 402. (J. S. F.)

[231]Draft.

the use of the government of ———— the accompanying copies of the laws of Michigan. I will thank you to cause their receipt to be acknowledged. Very respectfully

Sir,
I have the honour to be
Your ob Servt
Private Secretary

His Excellency
The Governor of

[Indorsement]
June 1. 1826.
Circular.
Transmitting copies of Laws to Govs. of several States.

L. CASS TO SECRETARY OF TREASURY.

[Library of Congress—Schoolcraft Papers—1826.]

Detroit June 17. 1826.

Sir

I had the honour to receive by last mail, your letter respecting the location[232] of the two townships of land for a seminary of learning in this territory*. In the midst of the hurried preparation for my depar-

[232]Draft, endorsed,—"Respecting the location of the University lands." Congress had originally granted one seminary township in Michigan in 1804, but owing to difficulties arising in making a location under the terms of the law, an Act had been passed in 1826 reserving *two* townships for seminary purposes in Michigan out of any public land to which the Indian title had been extinguished. See George W. Knight, History of Land Grants for Education in Michigan, in *Mich. Pion. and Hist. Colls.* VII, 29, 30; also below, Cass to Sect. of Treasury, May 20, 1827. (J. S. F.)

*The following papers from the General Land Office, Washington, will explain the University Tract, now called the Ship Yard Tract in the city of Detroit. A large part of this tract is now occupied with Woodmere Cemetery.—C. M. B.

Treasury Department,
May 30, 1826.

Sir,—On the 20th of this month, an Act passed Congress, granting two townships of land in the Territory of Michigan, for the use of a Seminary of Learning therein, and a communication has since been received at this Department, from the Hon. A. E. Wing, representing it to be of importance to the value of the grant that the land should be located during the present summer, and requesting that your excellency might be authorized to make the locations.

With this view, accordingly, I have the honor to enclose a copy of the Act, and to request that if it shall comport with your convenience, you will select in the manner pointed out in the Act, the quantity of land herein designated.

ture for Lake Superior, the letter has been mislaid, and I am therefore obliged to request that you will direct a duplicate of it to be transmitted

---

Although permission is given in the Act, to locate tracts of not less than a section, it is not expected that you will find it necessary to make many locations of this kind. You will be pleased to select good lands, fit for tillage, in whatever tracts they may be found, not less than an entire section, until the whole quantity called for shall be obtained.

After making the selections, it will be necessary for you to submit them to this Department for revision and confirmation, accompanied with a description of the tracts and their numbers.

I have the honor to be very respectfully,
Your obedient servant.

His Excellency, Lewis Cass, RICHARD RUSH.
Governor of Michigan.

Detroit, May 14, 1827.

Sir.—I have been requested by the Trustees of the University of Michigan, to locate for that institution a tract of land in township No. 2 south, range 11 east, marked on the township plats "Shipyard," containing 586.11 acres, and in pursuance of the authority contained in your letter of May 30, 1826, I have the honor to request that this tract may be granted to the University.

With great respect, sir, I am
Your obedient servant,

Hon. Richard Rush, LEWIS CASS.
Secretary of the Treasury, Washington.

Detroit, June 26, 1827.

Sir.—I have the honor to state, that in the absence of Governor Cass, your letter to him of the date of the 9th inst., was put into my hands as Governor *ad interim*.

I immediately convened a meeting of the Board of Trustees of the University, and submitted to them in meeting your communication. The authenticated copy of so much of the recorded proceedings as regard that communication I have caused to be made out and have the honor herewith to transmit: I have also, in conformity with your suggestion, advised the Receiver and Register at this place of the passing of that resolution which has relation to the "Ship yard" tract.

I have the honor to remain, with due respect
Your obedient servant,

George Graham, Esq., WILLIAM WOODBRIDGE.
Commissioner of the General Land Office.

At a meeting of the Trustees of the University of Michigan, at the Academy, in the City of Detroit, on Monday, the 25th day of June, 1827:

The Hon. William Woodbridge was called to the chair:

Resolved, That the chairman be requested to signify to the Treasury Department the acceptance by this institution of the tract of land on the River Rouge, containing 586.11 acres, and designated as the "Ship yard," in lieu of an entire section, under the grant to the University.

Resolved, That the chairman be also requested to advise the Treasury Department of the acceptance, by this institution, of the tract, being lot No. 1, in township No. 3, in the United States Reserve on the Miami River, containing 201.50 acres, in lieu of a section, in the expectation that in the event that lot number 2 of the same Reserve should revert to the United States, then that the same shall be considered as a part of this selection, in accordance with the letter of the Commissioner of the General Land Office of June 9, 1827.

Resolved, That the chairman be also requested to advise the Treasury Department of the acceptance of lots 7, 8, 9 and 10 in the same reserve, containing in the aggregate 514.05 acres, in lieu of an entire section.

I certify that the forgoing resolutions are truly and accurately copied from the records of the University of Michigan.

Given under my hand and the seal of the University, on the 26th day of June, A. D., 1827.

C. C. TROWBRIDGE, Secretary.
General Land Office, July 7, 1827.

to me. I shall not fail to attend immediately to the subject referred to.

Hon Richard Rush

Secy of the Treasy

[Indorsement]

To June 17. 1826.

Hon Richard Rush

Respecting the location of the University Lands.————

OLIVER WHITMORE[233] TO GOV. CASS.

[Smithsonian—Schoolcraft Papers—Letters Received—1826—File Case 2.]

Ann Arbour October 26th 1826

Hon. Lewis Cass

Governor of the Territory of Michigan

Dear Sir—

I thought it would not be improper to give your Honour [sic] a short

---

Hon. William Woodbridge, Detroit, M. T.

Sir.—I have this day received your letter of the 26th ulto., communicating a resolution of the Board of Trustees of the University of Michigan, signifying their acceptance of certain lands therein designated for the use and benefit of said University, and have the honor to apprise the Board that the lands so designated are considered as reserved and appropriated for the object specified.

I am, etc.,

G. G.

State of Michigan,
Office of Roscoe D. Dix, State Land Commissioner,
Lansing, July, 29, 1890.

Mr. C. M. Burton, Detroit, Michigan:

Dear Sir:—In reply to your letter of the 26th inst., I have to inform you that by Act of Congress, approved May 20, 1826, the Secretary of the Treasury was authorized to set apart seventy-two sections of land for the support of a university.

By the Act of Congress admitting Michigan into the Union, these selections were confirmed to the State, and on the 10th day of April, 1839, the land known as the "Ship Yard Lot" was approved to the State by the Secretary of the Treasury.

Very respectfully,
HENRY L. SLEEPER,
Deputy State Land Commissioner

PORTER KIBBEE,
Commissioner of the State Land Office
of the State of Michigan.

Plat.
Liber 47, page 469 Deeds.
Not dated.
Acknowledged January 27, 1853.

Recorded January 31, 1853.

Plat of the subdivision of the Shipyard, with the field notes of the survey by A. E. Hathon, December, 1852. "The plat represents the subdivision into lots of the Shipyard—in town 2, south of range 11 east, in the County of Wayne, Michigan, being land set apart by Congress for University purposes.

No dedication, nor approval.

---

[233]A. L. S. Endorsed.—"Letter from O. Whitmore respecting nominations in Washtenaw." Oliver Whitmore came to Ann Arbor in 1824 and was for a time proprietor of the "Washtenaw Coffee House." At the time of this lettter the county was about to be given an independent organization and interest was high there on the subject of Cass's nominations to office. (J. S. F.)

and Concise Statement of the doings of the People in the County of Was[h]tenaw Concerning doings of our preparing for an Organizaion, your Honour is sensible it has been long in agitation, we find the longer it is delayed the more dificult [sic] for us to be agreed, there is quite a body of people in Washtenaw, new ones in different parts of the County, and enterprising men, and anctious [sic] to Carry their motives into effect [sic] and not alway[s] acting for a general good for Community, and press their own mercenary motives, which I find is actually the Case in this County at this time, and will be more and more should the organization be delayed—

it was thought proper to Call the inhabitants to gather [sic] again as the business has been delayed so long, and new ones Come in, that every one might have a hearing if they wished, and accordingly Notice was publickly set up in every neighbourhood in the County—Six weeks or about, previous to the meeting at Ann Arbour which was on the 21st of October inst and no afforts [sic] for any olteration [sic] of the meeting prior to the meeting, at the Commencement one or two Disafected [sic] men Came forward and stated that there aught [sic] to be a new meeting Called, because people would not Come so far as some would have to, Doctor Millington[234] was the most engaged and stated tha[t] a Meeting aught [sic] to be held in every neighbourhood for the purpose of voting, there was then present I presume two hundred people, I told him that I thought that the people would not be better prepared for the election than at that time, a vote was taken and unanimously Carried to proceed, and went on as you will discover by the minutes. I was some disappointed [sic] that Mr. Dextor[235] was not Chosen Cheaf justice, however it was not the peoples Choice, there is I find Great efforts making at the Grove[236] to Sour mind and overthrough [sic] the meeting, Dear Sir I am sencible [sic] that your aprobation [sic] or disaprobation [sic] will affect or ove[r]through [sic] the organization of our County, and if in your wisdom you should think best for us not to be organized or

---

[234]Abel Millington in 1825 bought out Harvey Snow of Snow's Landing, now Rawsonville, where he built the first saw-mill and first mill-dam across the Huron in 1826. *Mich. Pion. & Hist. Colls.* IV, 402, 403. (J. S. F.)

[235]Samuel W. Dexter was appointed Chief Justice and Whitmore an Associate Justice. *Mich. Pion. & Hist. Colls.* I, 335. (J. S. F.)

*Dexter was the son of Samuel Dexter of Boston, member of the cabinet of John Adams, and father of Wirt Dexter, a noted lawyer of Chicago.—C. M. B.

[236]Woodruff's Grove, about a mile below what is now Ypsilanti. (J. S. F.)

otherways, to be orga[n]ized. I should be thankful and pleased to hear your Opinion as a father and friend to our County and Community in General

I am Most Respectfully
Your Obedient and Humble Serv[t]
Oliver Whitmore

[Indorsement] In Cass's hand.]

Oct. 26. 1826.

Letter from O. Whitmore respecting nominations in Washtenaw

[Address]

Ho[n]. Lewis Cass, Detroit
Governor of Michigan
Territory

Q. F. ATKINS[237] TO GOV. CASS.

[Smithsonian—Schoolcraft Papers—File Case II.]

Private) L. Sandusky Oc[t]. 29[t.h]. 1826—

Sir—

Feeling satisfied that much does, and of right ought to depend upon your recommendation for any appointment in the Territory over which you (under the General Government) have the honor to preside; I take the liberty to address you upon the subject of an appointment to the superindance [sic] of some one of the roads that you have in contemplation to build, (through the assistance of the U. S.) in the Territory of Michigan—[238] For three years past, my time has been principally

[237] A. L. S. Quintus F. Atkins was a Pennsylvanian by birth, and served in 27 Infantry in 1813, being transferred to 19 Infantry in 1814 as 1st Lieutenant. He was honorably discharged June 15, 1815. (J. S. F.)

[238] The need for roads in Michigan was being forced on Congress, and the previous year had seen the beginning of the Chicago road, a survey having been made at the President's direction. In 1827 definite appropriation was made by Congress toward roads from Detroit to Saginaw, Fort Gratiot, and Chicago. (J. S. F.)

taken up in superintending the construction of the road built by the State of Ohio, from the foot of the Rapids on the Maumee, to the Western Reserve; which will be completed in three or four weeks—[239] With the manner of building that road you, I presume, are informed, and should you Sir, feel disposed to patronize me in the oversight of a work of the kind in your Territory, you will confer a favor upon one that has it in contemplation to locate himself and family somewhere in that region, to which so many are now emmigrating [sic] from the older States: provided he can be satisfied of the salubrity of the climate to which he proposes to remove—An answer to the above together with your opinion of the best part of your country in which to form a new settlement, would be gratefully received, by Sir—

Your H,ble Servt.
Q. F. Atkins

His Excellency—L. Cass—

[Indorsement]
Oct. 29. 1826

From,
Q. F. Atkins.

Soliciting recommendations or appointment for superintending the making of roads in this Territory etc.

[Address]

L. Sandusky Paid 12½*
Oct 29

His Excellency, Lewis Cass—
Detroit—
Michigan Territory

L. CASS TO REGISTER OF TREASURY.[240]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit Octr. 31. 1826

Sir,

Agreably to your request I have the honour to enclose an estimate of

[239] See note 16 on Black Swamp Road. (J. S. F.)
*This refers to postage.
[240] Draft.

the expenses of the Legislative Council* of the Territory of Michigan for the year 1827.

Very Respectfully, Sir,
Yr. obt Servt.

Joseph Nourse Esqr.
Register of the Treasury
Washington City

[Indorsement]
October 31. 1826
To the Register of the Treasury—
Enclosing estimate of the expenses of the Legislative Council for 1827—

L. CASS TO JOSEPH BROWN.[241]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit Dec. 6. 1826

Sir,

I transmit herewith the Commissions for the several offices in the County of Lenawe, which I will thank you to distribute.

I request your acceptance of that of Chief Justice of the County Court.

Very

Joseph Brown Esq
Tecumseh
Lenawe

[Indorsement]
Dec: 6. 1826.
To.
Joseph Brown
Transmitting commissions for several offices in the Co. of Lenawe and requesting his acceptance of the office of Chief Justice for said County.—

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*The expenses of the legislative Council were borne by the government of the United States.—C. M. B.

[241]Draft. General Joseph Brown, brother of Jacob Brown, commander in chief of the Army, came to Michigan in 1824, settling at Tecumseh. He was given a command in the Territorial militia, and was called into the field in the Black Hawk campaign and afterward in the "Toledo war." *Mich. Pion. and Hist. Colls.* IV, 306; II, 365-370. (J. S. F.)

L. CASS TO POSTMASTER GENERAL.[242]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit Nov. 28. 1826

Sir,

I have been requested by the inhabitants of that part of the country to state to you, that the County of St. Clair in this Territory has been organized more than five years, and that there is yet no established mail route in it. They are very desirous that a route should be established from Mount Clemens, the nearest point to them, where a mail passes to Fort Gratiot. I understand that three Postmasters upon this line were appointed last winter, namely one at Plainfield, one at the Town of St. Clair, the county seat, and one at Fort Gratiot.

That County is an important and increasing section of the Territory, and a regular communication with Detroit is an object of great consequence to the inhabitants.

Very etc

Hon. John McLean
Postmaster General.

[Indorsement]
Nov. 28. 1826

To.
Hon. John McLean.

On the subject of having a mail route established in the County of St. Clair.

L. CASS TO HON. A. E. WING.[243]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit Dec. 19. 1826.

Sir,

I have the honour to to transmit to you the enclosed copy of a resolution of the Legislative Council,* and to request that you would en-

[242]Draft, endorsed "on the subject of having a mail route established in the County of St. Clair." (J. S. F.)

[243]Draft. Austin E. Wing (1791-1849) represented the Territory from 1825 in the Nineteenth, Twentieth and Twenty-second Congresses. He was a native of Massachusetts. In 1837 he was appointed U. S. Marshal for Michigan. Afterward he removed to Cleveland, Ohio, where he died. (J. S. F.)

*The resolution referred to is to be found in the Journal of the Council on page 50. It reads as follows:

deavor to procure the passage of an act of Congress in conformity therewith.

Very etc

Hon. A. E Wing
Delegate to Congress.

[Indorsement]
Dec, 19, 1826

To
A. E. Wing
Enclosg. copy of a Resolution of the Legislative Council. etc—

L. CASS TO THE ORDNANCE DEPT.[244]

[Library of Congress—Schoolcraft Papers—1826.]

Detroit Dec. 21. 1826

Sir,

I had the honour on the of January last to address you on the subject of equipments required for a post of cavalry in this Territory.

[244]Draft.

"To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled.

Your memorialists, the Legislative Council of the Territory of Michigan, in behalf of sundry citizens of said Territory, who have claims against the United States for property lost, captured or destroyed during the late war respectfully represent—

That there are many worthy citizens of the Territory of Michigan who not only made great sacrifices in the defence of the country; but suffered severe and heavy losses of property, captured or destroyed by the enemy during the late war—since which time they have sought relief from the government of the United States in vain. The law of Congress, approved April 9th. 1816, entitled 'An act to authorize the payment for property lost, captured or destroyed by the enemy in the military service of the United States, and for other purposes,' and the amendments to said act, approved March 3d. 1817, and March 3d. 1825, whatever might have been the intention of Congress when passing the acts, have fallen far short of giving that relief to the suffering citizens of this Territory, to which, in the opinion of your memorialists, they are justly entitled. The rules of construction, in relation to testimony, marked out by the war department, have barred many of the claims of the citizens seeking relief by virtue of the acts aforesaid.

That your honorable body may be informed of the nature and extent of the claims for which we ask relief, we have thought fit and proper to make the following statement of them, with reference to the acts of Congress aforesaid. With that object in view they may properly be divided into four classes, viz.;

1st. Claims for houses burned and destroyed by the enemy while the same were occupied as a military post or deposit, under the authority of an officer of the United States.

To this I have received no answer. May I request your attention to the subject.

Very etc

Col. George Bomford
Ordnance Dept.

[Indorsement]
Dec 21. 1826.

To.
Col: Geo. Bomford
On the subject of equipments required for a troop of Horse in this Territory.

L. CASS TO COMMISSIONERS OF WASHTENAW COUNTY.

[Library of Congress—Schoolcraft Papers—1826.]

Detroit Dec 25 1826

Gentlemen

I have the honour to transmit you herewith two bonds of the original proprietors of Ann Arbour,[245] which relate to the interest of the County of Washtenaw

[245]Draft. Elisha W. Rumsey and John Allen were proprietors. (J. S. F.)

2d. For houses burned and destroyed by the enemy after the capitulation, having been previously occupied by the military, under the authority of the United States.

3d. For houses burned and destroyed by the enemy before and after the capitulation, having never been occupied by the military, under the authority of an officer of the United States.

4th. For personal property seized, burnt and destroyed by the enemy, before and after the capitulation or surrender of the Territory, often in *gross violation* of the articles of capitulation, and the most solemn pledges of the enemy that personal property should be respected.

Some of the claims of the first class have been allowed and paid, while the other claims stand unredeemed. Proof has been required that the buildings for which damages are claimed, were, at the time of their destruction, occupied by order of an agent or officer of the United States &c. That proof, in cases coming within the purview of the acts aforesaid, has generally been obtained with much difficulty, and in many such cases have failed, for want of the requisite testimony, the agent or officer who gave the order having since died, or is not known to the claimant. The claims included in the 2d and 3d classes, and also the 4th class, where the order of an officer or agent could not be proved, have been actually rejected.

The inhuman conduct of the enemy at the surrender of Detroit, by the wanton waste and cruel destruction and plunder of private property, the conflagrations at Frenchtown and the River Raisin, before and after the surrender at those places, in part are recorded in the office of the war department. Could the scenes which transpired at the bloody massacre of Winchester's army, the war dance of the savages around the flaming cottages of our citizens, be truly painted and duly represented to the view of your honorable body, the humble patriot, bowed down with penury and distress by the losses he then sustained, would need no other advocate for his claims, before the liberal government of his country. The question

They were for some time mislaid, but have been recently found
I am respectfully

Gentlemen
Your obt Servt

The Commissioners of the
County of Washtenaw)

[Indorsement]
Decr. 25, 1826.

To
County Commissioners of Washtenaw.
Transmitting two bonds of the original proprietors of Ann Arbour.

L. CASS TO SECY. OF THE TREASURY.

[Library of Congress—Schoolcraft Papers—1827.]

Detroit Jany. 2. 1827

Sir,

Majr. Kearsley, Receiver of the Land Office[246] at this place, has submitted for the expression to you of my opinion thereon, a statement of an account for clerk hire under the provisions of an act of Congress of the 22 May 1826—During the years 1821 and 1822, I was frequently in his office and observed clerks employed in giving effect to the relief laws.—It is but justice to Majr. K to state that upon him devolved principally the labour of carrying the law of 1821 into effect in this district, as his

[246]Draft. For a brief account of the Land Office, and its organization, see Donaldson, *Public Domain*, 201, 202. (J. S. F.)

would not be asked of the claimant, if his house was occupied as a military post, or place of deposit, by order of an officer of the United States; no—the citizen complains that after capitulation his cattle were shot and plundered, his clothes were pillaged from his house, his furniture made bonfires, and his a conflagration, by a cruel and unrelenting enemy. That it is the duty of the government to protect the citizen and his property in time of war, is a sufficient argument for his relief. The broken faith and solemn pledges of the enemy, 'that private property should be respected,' in many cases, is the foundation of the claim of the citizen, and for which all civilized governments ought to be responsible.

Having the fullest confidence in the government of our country, in the generosity and humanity of Congress, and at the same time full faith in the equity and justice of the claims of the citizens of this Territory, in whose behalf the Legislative Council have been solicited to call the attention of Congress, the Legislative Council have a lively hope that the government of their country will once more look with compassion upon the sufferings of their citizens on this late unfortunate and bloody frontier of Michigan; and that the wisdom of Congress will devise some means of relief that will give an equivalent for the losses of the claimants aforesaid."—C. M. B.

then colleague, the Register, was but recently appointed and consequently unacquainted with the very intricate details of the Credit System under the relief Laws.—[247] I am entirely of opinion that the sum of $500 is a reasonable charge under the provisions of the law of May last, and that the Receiver is entitled to that compensation for clerk hire.

Very respectfully, Sir
I have the honour to be
Your obt servt

Hon. Richard Rush
Secretary of the Treasury.
Washington.

[Indorsement]
Jany. 2d. 1827.

To
Richard Rush.
In relation to Majr. Kearsley for clerk hire.—

L. CASS TO SHERIFF OF WASHTENAW COUNTY.[248]

[Library of Congress—Schoolcraft Papers—1827.]

Detroit Jany. 2. 1827

Sir,

The papers I have received from Washtenaw for and against the reappointment of Dr Pomeroy have rendered it impossible for me to decide what ought to be done. I have therefore determined to request the people of the district to elect a person for that office. And you will oblige me by giving publick notice accordingly, and by appointing a day, which will be most convenient.

Very etc

Maj Benj. I. Woodruff
Sheriff Washtenaw County

[Indorsement]
Jany. 2d. 1827.

To
Benj. Woodruff
Resptg. papers for and against the reappointment of Dr. Pomeroy etc.

[247] Donaldson *Public Domain* 205, 206. (J. S. F.)
[248] Draft.

L. CASS TO COUNTY OF WASHTENAW.[249]

[Library of Congress—Schoolcraft Papers—1827.]

Detroit, Jany. 2d. 1827.

Sir,

I transmit herewith the commissions of a number of Justices of the peace for the County of Washtenaw, which I will thank you to distribute.

Agreably to the suggestion, I made to you and Mr Allen, when here, I mentioned to some of the representatives from this county the propriety of removing the doubts respecting the places of election in Washtenaw by a special enactment. The Council however adjourned without doing anything upon the subject.

With much respect

I am, Sir,

Yo. Obt. Servt.

D. E. Lord.

County Clerk

Washtenaw

[Indorsement]

Jany. 2d. 1827

To,

D. E. Lord

Transmitting commissions for Justices of the peace for the County of Washtenaw.

L. CASS TO PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE.[250]

[Library of Congress—Schoolcraft Papers—1827.]

Detroit Jany. 11. 1827

Sir,

I have the honour to transmit a copy of a resolution* of the Legislative

[249]Draft. D. E. Lord was first physician in Ann Arbor. *Mich. Pion. and Hist. Colls.* I, 337; VI, 444. (J. S. F.)

[250]Circular draft. The Resolution referred to registered the protest of Michigan against any change in the Ohio boundary. *Territor. Laws.* II, 297. (J. S. F.)

*This resolution is dated Dec. 29, 1826. The second session of this Council met at Detroit, Jany. 1, 1827, but transacted no business and adjourned till Jany. 15th following.—C. M. B.

Council of this Territory, and to request that it may be laid before the (Senate) *House of representatives* of the United States.

Very respectfully, Sir,

I have the honour to be

Your obt servt.

The Vice President of the United States.
Hon. J. W. Taylor, Speaker of the House of representative of the United States—

[Indorsement]

Jany. 11. 1827.

To

The Vice President,

and

Speaker of the House of Representatives, of the United States.

Transmitting a copy of a resolution of the Legislative Council of Michigan.

S. W. DEXTER TO L. CASS.

[Smithsonian—Schoolcraft Papers—File Case A. No. 360.]

Ann Arbour Feb. 12. 1827.

Dear Sir,

I am informed that the Commissions have not come on for any of the County officers who were elected at our election.

I presume our returns could not have miscarried;—you will excuse me for mentioning the subject; there is some anxiety about it here.

I lament that it was not in your power to extend your excursion to Mill Creek, when you were here, we however shall not let you off so easily: we shall expect to see you during the ensuing summer.—I could tell you how much credit you obtained in our County by your free and easy demeanour, but I suppose I must not say a word about it.[251]

[251] A. L. S. The second annual ball in Ann Arbor was given in the winter of 1826, the occasion being the organization of a Masonic Lodge. The guests from Detroit were Governor Cass, Judge Witherell, O. Cook, L. Cook, General Larned, General Schwartz, James Abbott and Nathan Newell. For other references to the impression produced by Gov. Cass, see below D. E. Lord to Cass, Feb. 13, 1827; also *Mich. Pion. & Hist. Colls.* I, 333. (J. S. F.)

Are we ever to have any money for roads? if you could be Delagate as well as Governor I should be under no apprehension on that score.

Yrs. Respflly
Sam. W. Dexter.

Gov. L. Cass

[Indorsement]
[Feby. 12. 1827.

From,
Saml. W. Dexter.
Relative to the Commissns. for Washtenaw.
[Address]
Ann Arbour)
Mic. Ter. 14th. Febr)
Gov. L. Cass.
Detroit.—

D. E. LORD TO GOV. CASS.

[Smithsonian—Schoolcraft Papers—File Case A. No. 361.]

Ann arbour Feby. 13th 1827.

To his Exclly Governor Lewis Cass

Dear Sir I think it proper at this time to inform you that the Members of the Board of an Election held at this place on the twenty fifth of last month—thought proper to make seperate [sic] returns of those elected—Towitt—the returns for Assoste. Justice and Probate were made to your Excellency—and those for County Commissioners etc. to the Office of the Lieut. Governor—It was supposed at that time—that the latter were not Commissioned Officers—but since we are convinced that they are—and in consequence of the Commission's not being forwarded—it causes some enquiry. You will have the goodness to drop me a line on the subject—You will recollect that at the time you was [sic] here—that there was something said relative to supplying Mr. Pray and Mr. Newell with the Laws of Michigan and as there is now in the Office of the Secty. you would do a great favor to these men by forwarding them by the bearer Mr. Stratton if you could obtain them without putting yourself to too much trouble—You would confer a favor I presume which would not be forgotten Perhaps it would not be unacceptable at this time to give my opinion concerning the steps which have been taken in this place—within a few days towards raising a rifle Company—[252]A meeting

[252]A. L. S. A company had been raised at Woodruff's Grove in 1826. Cf. *supra*, General Order, May 10, 1826. (J. S. F.)

was called—a petition was circulated and a respectable number of signers obtained—The Officers chosen are young men of good character and standing the Company if you see fit to organize them as such and commission their officers—are well satisfied with their choice—the petition will be presented in a few days—I should say that the subject was worthy of notice—especially when we consider that our population is continually increasing.—Permit me to observe that your visit to this place produced an era of feeling among the People—which will not easily be erased and I sincerely hope—that you will make us another—some time during the present Year[253]

With much esteem I remain
Dear Sir Yours

His Excellency L Cass — David E. Lord

[Indorsement]

From/ Feby. 13. 1827.
David E Lord.

Relative to Commissions for Anne Arbour, and raising a Rifle. Company.

LEWIS CASS TO CLERK OF WASHTENAW.[254]

[Smithsonian—Schoolcraft Papers—File Case A. No. 335.]

Detroit Feby. 13. 1827

Sir,

I transmit herewith one volume of the bound laws and full sets of the other laws. No more of the bound volumes can be spared from the Secretaries office. You must hand it to one of the gentlemen, who mentioned the subject to me. Of the others each of them can take a copy.

I enclose some commissions, which I will thank you to distribute.

Very

Dr. Lord
Clerk of Washtenaw County.

[Indorsement]

To. Feby. 13. 1827.
Dr. Lord.
clerk Washtw. Co.

Transmitting one volume of bound laws and full sets of the other laws—Commissions to be distributed etc.

[253]Cf. supra, S. W. Dexter to L. Cass, Feb. 12, 1827. Clerk of Washtenaw County. (J. S. F.)
[254]Draft.

JUDGE DEXTER TO GOV. CASS.

[Smithsonian—Schoolcraft Papers—File Case A. No. 337.]

March 8th 1827.

Dr Sir,

The Legislature, as you know, have passed a law* authorizing Aliens to hold land, the same as citizens of the United States.—You will permit me, to express, what I presume to be the unanimous sentiment of Washtenaw on this subject.—That the law is most mischiefous;—and vests power which, (let the advocates of the bill say what they please) did not exist before, as the common law, which does not allow Aliens to hold real estate, is I presume the law of the land.—At any rate if this act be merely a declaration by the Legislature of what the law *was* or is, upon the subject, it is highly impolitic—I would confirm all just purchases by Aliens but nothing more.—I should never have done, did I attempt to show the mischief of this law.—But we shall send in the Remonstrance of the whole county of Washtenaw against it.[255]

Yrs Resy

Gov. Cass. Sam. W Dexter.

[Indorsement]

Mar. 8. 1827

From

Judge Dexter respecting the passage of a law authorizing Aliens to hold lands etc.

[Address]

Gov. L. Cass.

W. LAWRENCE TO GOV. CASS.[256]

[Smithsonian—Schoolcraft Papers—File Case A. 362.]

[March 15, 1827]

Dear Sir

I have been inquired of several times for the Commissions for Coll.

*It became very important later, in the cause of Crane vs. Reeder discussed in Vols. 24 and 25, Michigan Supreme Court reports.—C. M. B.

[255]A. L. S. The law was approved in spite of the protest. *Terr. Laws* II, 332. (J. S. F.)

[256]A. L. S.

Anderson as Chief Justice of Monroe County Court and Mr Johnson as associate Justice and for Mr Paxton as sheriff and Mr Skinner as Magistrate—I called a few moments since at Mr Woodbridges Office and Mr Deming his Clerk informed me that the names of the above named persons had not been sent to that Office—by the Governor—

The County Court in Monroe is now at hand, and unless the Officers of the Court receive their Commissions without delay the Court cannot have a Jury at the next Term—

With Great Respect Yr Obt Servt

W Lawrence

His Excellency Gov. Cass.

[Indorsement]

March 15. 1827

from Mr. Lawrence respecting the Commissions for Monroe.

[Address]

His Excellency Gov Cass
Detroit

L. CASS TO TIMOTHY S. SMITH.

[Library of Congress—Schoolcraft Papers—1827.]

Detroit March 26. 1827

Sir,

I have delayed answering your letter of Nov. 20. 1826, until the Council has acted on the nomination of Justices of the peace for the County of Lenawe. That duty is now terminated and I enclose a commission for yourself and another for Mr Jenkins. Mr Potts could not be appointed, as he has not resided in the Territory a year, as is required by an Act of Congress.

The Council are engaged in laying out the Territory into townships, and in organizing a system of Township government. They will doubtless establish a Township upon the waters of the St. Joseph, and attach you to the County of Lenawe.[257]

[257] Draft. This was done by Act of April 12, 1827. The township of St. Joseph's then established afterward became in part St. Joseph's County by Act of Nov. 4, 1829. (*Terr. Laws* II, 478, 736, 744. (J. S. F.)

I think there is little doubt, but your section of the County will increase will rapidly increase, and I trust you will er'e long have an organized County.

Very etc

Timothy S Smith Esq
St. Joseph.

[Indorsement]
March 26. 1827
To Mr. Smith, enclosing Commisions.

WILLIAM WOODBRIDGE TO GOV. CASS.[258]

[Smithsonian—Schoolcraft Papers—File Case A. No. 340.]

Detroit April 6, 1827

Dr. Sir,

To my very great mortification, I have just now learned, that an act of the Legislative Council,* concerning the incorporation of a Steam Mill Company, had been taken from my office, and returned with the *date altered*—I am aware of the mistake which had intervened in regard to that law—it was the subject, some days ago of a conversation between me and several other genn. in my office, who felt an interest in the matter.—And various suggestions were made touching the proper method by which that mistake might be rectified.—A mode was suggested, which should be founded upon a report of the Committee of enrollment—suggesting that *a mistake* has intervened—and making that, the basis of a resolution of the Council requesting its return to you, or to them, for the correction of that mistake—The President of the Council seemed to acquiesce in that plan—One thing must be manifest to you sir, and that is that I can never, without some authority other than what my records show, or, in the present state of things can show, certify to that act without, at the same time certifying to the fact, that it was taken from my office without my knowledge or consent, and the date altered.—I

[258]A. L. S.

*This act was approved March 31, 1827. The date of the approval was changed by the Governor with the consent of the Council, to correspond wiith an act for the incorporation of the Merchants' and Mechanics' Bank of Michigan. On April 9, the Council resolved to restore the original date and to pass the act again. This was done and the act was re-approved the same day.—C. M. B.

hope thro' your interposition this difficulty may be in some proper way corrected by the Council and remain

Very respectfully yours

Wm Woodbridge

His Excy Govr Cass.

[Indorsement]

April 6. 1827

From

W. Woodbridge respecting the act incorporating a Steam Mill Co. having been taken out of his Office without his consent—

[Address]

To his Excely.

Lewis Cass esquire

Detroit

L. CASS TO PRESIDENT OF UNITED STATES.

[Library of Congress—Schoolcraft Papers—1827.]

Detroit April 10. 1827

Sir,

I have the honour to transmit the enclosed resolution of the Legislative Council of this Territory.

In addition to the opinions therein advanced, I can state from my own personal observation that the occupation of the Post of Prairie du Chien is important to overawe and restrain the Indians, and that the Inhabitants by the removal of the garrison will be exposed to dangers, which when they come, come in the most appalling form. I have received letters upon this subject, which leave no doubt of the fears, that have been excited. And little is hazarded in the prediction, that unless a military force is again stationed there, some outrage upon the settlement will produce it's abandonment, and will lead to measures, tenfold more expensive, than the support of a permanent garrison.[259] And what is worse will render it necessary to chastise the miserable beings, who have already received their full portion of injuries from our Citizens. This is

[259] **Draft.** For an account of the conditions at Prairie du Chien at this time; of the removal of the troops from Fort Crawford to Fort Snelling, and subsequent events, see *Wis. Hist. Colls.* II, 153-168; XI, 356-370; XII, 217 et. seq. (J. S. F.)

a result, which every regard to our national character and every dictate of humanity call upon us to avoid.

I have the honour to be
Sir.
With great respect
your obt servt

The President of the United States.

[Indorsement]
April 10 1827
To the President respecting the reoccupation of Prairie du Chien.

L. CASS TO E. APPLETON.

[Library of Congress—Schoolcraft Papers—1827.]

Detroit April 30. 1827

Sir,

I have received your letter of the 4th instant.

It is impossible definitely to answer your inquiry respecting the payment of the orders drawn upon fund appropriated by an act of Congress for building a Court house and Jail in Detroit.[260] I trust however, that the business will be brought to a close this season, so that we shall be enabled to estimate the value of the property and debts, and take such measures as prudence and propriety may dictate for realizing the amount and paying it over to the creditors.

Very

E. Appleton Esq.
Boston
Massachusetts.

[Indorsement]
April 30. 1827.

To,
E. Appleton

Respecting the payment of orders drawn upon the fund appropriated by Congress for the building of Court House and Jail.

[260]Draft. Congress, by Act of April, 1806, set aside 10,000 acres of land in and around Detroit for relief of sufferers from the fire, and the proceeds of the remaining land were to aid in building a Court House and Jail. Much of this land remained unsold after the execution of the building project, and orders upon the fund were sometimes used in discharge of debts. Appleton was an importer and wholesale merchant at Boston, and one of the founders of Lowell, Mass. For a similar case cf. *supra* Lewis Cass to Amos Lawrence, April 6, 1821. (J. S. F.)

LEWIS CASS TO SECRETARY OF STATE.

[Smithsonian—Schoolcraft Papers—File Case A. No. 336.]

[torn]
Detr[oit, May] 9. 1827

Sir,

Pursuant to a resolution of the Legislative Council, I have the honour to transmit the enclosed papers in relation to a fine imposed by the Supreme Court of this Territoy upon J. V. R. Ten Eyck.[261]

It is unnecessary for me to enter into any statement of facts respecting this matter. I would only observe, that it originated in the appointment of a clerk. Mr. Ten Eyck was the deputy [of Mr.] Kearsley[262] the principal, who was absen[t. The] court conceived they had the power [to cr]eate the office and appoint a clerk. [Mr. Ten] Eyck supposed they had neither, [and I pre]sume his retention of the papers w[as the] result of this impression.

It is and a[lways] has been my opinion, that the Court* had no authority to appoint a clerk, but I do not thence draw the conclusion, that Mr Ten Eyck was correct in retaining the papers. I th[ink ho]wever, that a remission of the fin[e would] be proper.

Very etc

Hon H. Clay
Secy of State
Washington.

[Indorsement]

May 9. 1827.
To Hon, H. Clay
Transmitting papers in relation to fine imposed up J. V. R Ten Eyck etc.

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[261]Draft, mutilated. Jeremiah V. R. Ten Eyck, brother of Conrad Ten Eyck, with whom he was associated in mercantile business for a time, was an old resident of Detroit, and at various times held the offices of Register of Deeds and City Clerk. (J. S. F.)

[262]Maj. Jonathan Kearsley, Receiver of the Land Office. (J. S. F.)

*The Court appointed John Winder clerk, thus removing Ten Eyck, who was a deputy under Kearsley. Ten Eyck thought he had no right to surrender his office to any other person than his former chief, and rather than give up the records to Winder, he carried the books across the river into Canada and defied the Court. After remaining a few weeks he returned the documents and was fined $100 by the Court for contempt. He applied to the Legislative Council for relief, and the Council directed the Governor to apply to the President for a remission of the fine. See Journal Legislative Council, p. 109.—C. M. B.

L. CASS TO SOCRATES HOPKINS.

[Library of Congress—Schoolcraft Papers—1827.]

Detroit May 19. 1827

Gentlemen,

Difficulties having occurred in the Township of Troy respecting the continuance in office of Johnson Niles[263] Esq. I am desiorous of obtaining the wishes of the citizens there upon that subject, you will therefore oblige me by requesting on the day assigned by law for the Township meeting, the citizens of Troy to vote for one person as a Justice of the peace for that Township[264]

Socrates Hopkins Esq.

and

(The other Justice)

[Indorsement]

May 19. 19(?)27

To/

Socrates Hopkins.

Relative to election of Justice for Troy township. Oakland.

L. CASS TO SECRETARY OF TREASURY.

[Library of Congress—Schoolcraft Papers—1827.]

Detroit May 20. 1827

Sir.

Pursuant to the authority contained in your letter of [blank in M. S.], I have the honor to inform you, that the Trustees of the University of Michigan have made choice of the following locations viz:

Lot	1.	containing	201.5 acres
"	2	"	200" "
"	5	"	129.5
"	6	"	125.3

[263]Draft. Niles was one of the original purchasers of land in Troy township, and opened a small store at what is now Troy Corners. He served in the State Senate at a later period. (J. S. F.)

[264]This was the common practice of Gov. Cass. Where differences existed in respect to an appointment, he submitted the matter to popular vote. See cases of Chas. C. Hascall and of Isaac Powers below. (J. S. F.)

Lot	7	containing	74.
"	8	"	127
"	9	"	149
"	10	"	164.5
"	11	"	198.

All lying in the Third Township of the Reserve at the Rapids of the Miami River.[265]

If, however it is contemplated, that each lot shall be received in lieu of a section,[266] the Trustees in that event decline making selection of, or accepting any others, than lots one and two.

Very Respectfully
Your obt. St.

To/
Richd Rush
Secy of the Treasury.

[Indorsement]
May 20. 1827
To/ Secy of Treasury.
Relative to the location of the University Lots.

L. CASS TO ATTORNEY GENERAL.[267]

[Library of Congress—Schoolcraft Papers—1827.]

Detroit May 29. 1827

Sir.

I will thank you to examine the accompanying papers, and inform me

[265]Draft. These lands lay in what is now the city of Toledo. Unfortunately for the University of Michigan, the Trustees exchanged them in 1831 for lands of less value elsewhere. These latter in turn were sold in 1836 for $5,000. At that time, the original tract was worth, exclusive of improvements, about $500,000. Knight, *Land Grants for Education in Michigan.* See *Mich. Pion. and Hist. Colls.* VII, 29; cf. also Ten Brook, *Amer. State Univers.* p. 107; *School Funds & Laws of Mich.* 1859, pp. 60, 61.

[266]By the Act of 1826 authorizing the grant, it was provided that the selections could not be made in tracts of less than one section (640 acres) each. *Stats. at Large,* IV, 180.

[267]Draft, endorsed,—"Requiring his opinion as to the apprehension of Wm. Hutchins and wife for child murder." Wm. A. Fletcher was one of the ablest lawyers of the Territory and afterwards rose to the Chief Justiceship of the State, 1836-1840. For three years previous to this he was Circuit Judge. Judge Campbell pays him high tribute as a jurist. He was prominent in politics and public affairs, serving as Regent of the University. (J. S. F.)

whether they are sufficient in your opinion, to authorize the apprehension and delivery of the persons accused of the crime therein mentioned.

I am Sir
respectfully
Your obt. St.

Wm. A. Fletcher Esq.
Atty. Genl.

[Indorsement]
May 29. 1827
To/
Wm. A Fletcher
Requiring his opinion as to the apprehension of Wm Hutchins and wife, for child murder.

L. CASS TO WM. F. MOSELY.[268*]

[Library of Congress—Schoolcraft Papers—1827.]

Detroit June 6. 1827

Sir,

You are hereby selected to prepare an index to the laws, agre[e]ably to a resolution of the last Legislative Council.

In the execution of this duty, I think it will be well to resort to the laws of some of the States for a model, and to adhere to it with as much fidelity as circumstances will permit. A plain well arranged index, admitting of easy reference, is highly important, and neither time nor labour should be spared to obtain it.

All laws relating to the same subject should be arranged together.

The nature of the duty required of you is sufficiently indicated in the resolution, to which I must refer you.

Very etc.

William F. Mosely Esq

[Indorsement]
June 6. 1827
To/
Wm F. Mosely
Appointing him to make an Index of the Laws.

[268]Draft. Major Wm. F. Mosely was an early settler of Oakland County, being Judge of Probate, and member of the Second Legislative Council. He was a lawyer by profession and of easy going disposition. In 1835 he went to Saginaw and held the office of deputy collector of customs for that port. (J. S. F.)

*Judge Mosely was prosecuting attorney in Genesee County and also in Shiawassee County and was a representative from Saginaw County. He died in 1860.—C. M. B.

JOHN R. WILLIAMS TO GOV. CASS.[269]

[Smithsonian—Schoolcraft Papers—File Case A. No. 339.]

Monday June 11th. 1827.

Governor:

I have sent to Mr. Woodbridge's and have ascertained that the Commissions for Alvin Evans Captn. John Roop Lieut. and Joseph Roop Ensign were made out April 17th. 1827. They were brought here during my absence by Mr. Lafoy, and taken away by him; Theodore* thinks, that they must have been left at your Office by Mr. Lafoy.

Respectfully,
Your Obedt. Servt.
Jno. R. Williams

His Excellency
Govr. Cass)

[Indorsement]
From, June 2. 1827
J R Williams
Relative to the Coms. of Evans and Roop.

[Address]
His Excellency
Governor Lewis Cass.

GOV. CASS TO CAPT. McNAIR.[270]

[Smithsonian—Schoolcraft Papers—File Case A. No. 344.]

Prairie du Chien
July 4. 1827

Sir,

In order to protect the settlements against the hostilities of the Indians, your Company of Militia is ordered into actual service. You will take such measures as circumstances may require to defend the inhabitants and their property against any attacks which may be made or threatened.

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[269]A. L. S.

*The "Theodore" referred to was Theodore Williams, one of the sons of General John R. Williams.—C. M. B.

[270]Draft. For Captain Thomas McNair, cf. supra. Gov. Cass had been attending a conference with the Winnebagoes at Butte des Morts, and learning of the trouble at Prairie du Chien, set out post-haste, arriving July 4. For conditions and events at that place, see Lockwood's *Narrative*, *Wis. Hist. Colls.* II, 154-169. (J. S. F.)

I have appointed Mr. Lockwood[271] Quarter Master and Commissary. He will procure such supplies on the credit of the United States as may be necessary. Flour will be issued from the Contractors stores now here and the other parts of the ration will be purchased, until the publick supplies arrive. The provisions will be issued by Mr. Lockwood on regular provision returns signed by you. Ammunition will in like manner be purchased and issued. You will take care, that your company is regularly mustered.

On the arrival of any detachment of United States troops you will report to the Commanding Officer; should he deem the services of your Company no longer necessary they will be discharged. Should it be otherwise they will be retain'd as long as required—

Respectfully, Sir,

Yr. Obt Servt.

Capt. Mc Nair
Prairie du Chien
Michn.

[Indorsement]
Prairie du Chien
July 4. 1827
To, Capt. McNair
Ordering his Company into actual service
to protect the inhabitants and their property.

GOV. CASS TO J. H. LOCKWOOD.[272]

[Smithsonian—Schoolcraft Papers—File Case A. No. 343.]

Prairie du Chien
July 4. 1827

Sir,

You are hereby appointed to perform the duties of Quarter Master and commissary to the Company of Militia Commanded by Capt McNair this day ordered into actual service. Such supplies of provision and ammunition as may be required will be issued upon regular returns signed by Capt McNair. Flour will be issued from the contractors stores now here, and

[271] James H. Lockwood was an Indian trader at this time at Prairie du Chien, having come there in 1818. His Recollections referred to in the foregoing note are of much value for this period. (J. S. F.)

[272] Draft. Cf. *supra*, letter of even date.

the other parts of the ration will be purchased upon the credit of the United States, until publick supplies arrive— Ammunition in like manner will be purchased and issued—

Respectfully Sir, Yr obt servt

J. H. Lockwood Esqr.

[Indorsement]
July 4. 1827

To

J. H. Lockwood appointing him Qr. Master and Commissary to furnish Cap McNairs Compy. of Mil[i]tia orderd into service at P. du Chien

GOV. CASS TO ————.[273]

[Smithsonian—Schoolcraft Papers—File Case A. No. 345.]

Prairie du Chien
July 4. 1827

To,

You are hereby appointed an Ensign in the company of Militia commanded by Captain Mc.Nair—

You will discharge that duty by giving and obeying such orders as the law requires and as circumstances may render necessary—

Respectfully, Sir,
Yr. obt serv.

[Indorsement]
Prairie du Chien
July 4. 1827

To

appointing him an Ensign in the Militia

JAMES ABBOTT TO L. CASS.[274]

[Smithsonian—Schoolcraft Papers—File Case A. No. 342.]

Buffalo 26th. August 1827.

Dear Sir,

I called on you the morning of my departure from Detroit, but it being at an unusual hour I had not the pleasure of seeing you.

[273] Draft. From Lockwood we learn that Jean Brunet was appointed Ensign. (J. S. F.)

[274] A. L. S.

I shall probably be absent from home for about three—weeks, during which period I have entrusted the Post Office to my son William, who is a very steady young man, so that I do not anticipate any thing going wrong there, but there are always some persons that will complain cause or no cause, if so, and it should come to your knowledge, may I beg of your Excellency to make known the same to my son, and favor him with your good advice on the subject.

Accept of my best wishes for your health and happiness.

With the highest respect,

I have the honor to be,

Your Excellency's

Most Obt. St.

James Abbott.

His Excellency,

Lewis Cass,

Governor of Michigan,

Detroit.

[Indorsement]

From, Aug 26. 1827

James Abbott.

Relative to Post office in his absence.

APPORTIONMENT OF MEMBERS OF LEGISLATIVE COUNCIL.[275]

[Smithsonian—Schoolcraft Papers—File Case A. No. 341.]

Be it remembered, That on this first Monday of September A. D. 1827, being the third day thereof, at the City of Detroit, I Lewis Cass, Governor of the Territory of Michigan, proceeded, in conformity with the provisions of the act of the Legislature of the said Territory, passed April 13th 1827, and entitled, "An Act to apportion the Members of the Legislative Council among the several districts of this Territory," to execute the duty thereby required.

It is found, that complete returns of the census required to be taken by an act of the Territorial Legislature, passed April 12th and entitled "An Act to provide for the taking of a Census of the Inhabitants of this Territory" have been received at the office of the Secretary of the Terri-

[275] Autograph Draft. This apportionment was necessitated by the Act of Congress, Jan. 29, 1827, increasing the number of members to thirteen, all of whom were to be chosen directly by the people. (J. S. F.)

tory, except from the Counties of Crawford and St Clair, from which no returns have been received. An Abstract of these several returns exhibiting the amount of the population in the respective Townships and Counties, is hereunto annexed.

From this, it appears, that the whole number of inhabitants in the Territory, exclusive of Indians not taxed, is 17411. which divided by 13, gives as the quotient or ratio of representation, 1339, leaving a fraction of 4.

Neither of the Counties of Crawford, Brown, Michillimackinac or Chippewa, having 1339 inhabitants, they must form one district.

The County of St Clair, having made no return, must form with the County of Macomb, one District.

The County of Wayne, having more than 1339 Inhabitants, must form a District.

The County of Oakland, having more than 1339 inhabitants, must form a District.

The County of Washtenaw, having more than 1339 inhabitants, must form a District.

The County of Lenawe, not having 1339 Inhabitants, the Counties of Monroe and Lenawe must form a District.

The aggregate of Inhabitants, in the district composed of the Counties of Crawford, Brown, Michillimackinac and Chippewa, is 1785, which divided by 1339, gives one as a quotient, leaving a fraction of 446.

The aggregate of Inhabitants in the District composed of the Counties of St Clair and Macomb, is 1676, which divided by 1339, gives one as a quotient, leaving a fraction of 337.

The aggregate of inhabitants in the County of Wayne, is 5610, which divided by 1339, gives 4 as a quotient, leaving a fraction of 254.

The aggregate of inhabitants in the County of Oakland, is 3026. which divided by 1339, gives 2 as a quotient, leaving a fraction of 348.

The aggregate of inhabitants in the County of Washtenaw is 1765, which divided by 1339, gives 1 as a quotient, leaving a fraction of 426.

The aggregate of inhabitants in the district composed of the Counties of Monroe and Lenawe, is 3549. which divided by 1339, gives 2 as a quotient, leaving a fraction of 871.

It therefore follows, that eleven members are provided for by this process, leaving two to be assigned to the two districts having the largest fractions.

The District composed of the Counties of Monroe and Lenawe, having the largest fraction, namely 871. is entitled to one additional member,

and the district composed of the Counties of Crawford, Brown, Michillimackinac and Chippewa, having the next largest fraction, namely 446, is also entitled to an additional member of the Legislative Council.

The result therefore, of the whole proceeding, is, that the Counties of Crawford, Brown, Michillimackinac and Chippewa, form one district, which district is entitled to elect two members of the Legislative Council.

That the Counties of Macomb and St. Clair, form one district, which district is entitled to elect one member.

That the County of Wayne, forms one district which district is entitled to elect four members.

That the County of Oakland forms one district, which district is entitled to elect two members.

That the County of Washtenaw forms one district, which district is entitled to elect one member.

That the Counties of Monroe and Lenawe form one district which district entitled to elect three members.

It will be seen that the whole return from the County of Chippewa has not been received. A portion of it, because the enumeration was not made by families, and another portion, because the numbers were obtained from the licenses granted to Indian traders, and not by actual inquiry at the residence of each person. These facts appear upon the face of the return. The reception or rejection of the whole return, would not however vary the result as above stated.

[Indorsement]

Sept 3. 1827

Apportionment of Mems. of the Leg: Council.

L. CASS TO SECRETARY OF STATE.

[Smithsonian—Schoolcraft Papers—File Case A. No. 354.]

Detroit Sep. 2. 1827

Sir,

It is important to the rights of individuals, as well as to the judicial proceedings of the Territory, that the extent of the jurisdiction of the United States over the islands in the Detroit River should be known.[276]

[276]Draft. For difficulties and clashes of authority between American and Canadian officials on questions of jurisdiction, see McLaughlin, *Lewis Cass*, pp. 99, 112; Campbell, *Polit. Hist. of Mich.*, 378, 406. The Sixth article of the Treaty of Ghent provided for the settlement of the boundary by two Commissioners, one to be appointed by each party to the Treaty. The report was made in 1822. For an account of negotiations and findings, with official maps, see John Bassett Moore, *History and Digest of Internat. Arbitrations, etc.* I, 162-170; VI, maps Nos. 19, 20, 21. (J. S. F.)

I therefore respectfully request, that a copy of the report of the boundary Commissioners upon that subject may be transmitted to me.

Very etc.

Hon. Henry Clay
Secy of State.
[Indorsement]

Sep 2. 1827

To/
Henry Clay.
Requesting a copy of the Report of the Boundary Commrs:

ALEXANDER DOYLE TO GOV. CASS.[277]

[Library of Congress—Schoolcraft Papers—1828.]

St. Louis Missouri Jany. 21st. 1828.

Dear Sir.

Contrary to my expectations. I was compelled to make St Louis a point at which I should Touch, and take up my Winter quarters. circumstances beyond my controul, and unforeseen by me has [sic] driven me here. when I returned from Chicago. Via Detroit last August. in company with Doctor Wolcott I promised him (if nothing happen'd more than I was aware of—) to meet him at Detroit on the 3rd. Day of October. to take passage on Board the *Mariner,* Destined for Mackinaw and Chicagaw [sic], when I reached my home in Virginia. on the 8th. of Sept. I found my Family all confined with Billious Fever, with whom I had to stay by the ties of Paternal affection, untill I was certain they would be able to Travil [sic]. to the Wilderness. When they had partially recovered, only. I ventured to start with a sick Family. on the Journey. fearing the Lakes would be frozed [sic] up, and the season so far advanced that they would be hindered at Detroit. I deemed it prudent to make St Louis a point, in consequence of my wife's having friends here as well as relations. I arrived here on the 4th. day of December on Board of the Steam Boat Vilocipede [sic] and on the next day (Though out of order) reported myself to General Clark Superintendent of Indian Affairs for this Tract of Country. who advised me to remain here untill the Ice and Sleet would break up, and the waters assuage. the whole country being completely inundated.

[277] A. L. S. Doyle was Sub Agent at Chicago; Dr. Alexander Wolcott was Agent, 1820-1830. See *Fergus Hist. Series, Chicago and Illinois.* Vol. 6, No. 16, pp. 25, 26. (J. S. F.)

I observed to the General that *I must go on;* his reply was. "sir you must stay. *I do know that* you cannot get on to Chicago in the present state of the roads. and if you are reported, *I will interfere.* I have some influence. with Govr Cass and the War Department. and will do all I can to remove charges or alligations"—Contrary to this order, or admonition. I Bought Myself a Horse. Saddle. Bridle. Blanket Buffalo Robe. Bell. Hobble. etc. etc and started alone for Fort Clark[278] on the 1st of this month: got as far as Springfield in the County of Sangimon Ill. after Swimming every Pond, Lake, Bayou. Ravine. creek. or River a distance of 100 Miles There I met the Mail contractors and Mail Carriers. as also several Gentlemen from Fever River[279] all of whom stated in the most positive terms that I could not even get to Fort Clark that Salt creek was 2 Miles wide and partly frozed. Mackinaw eaqually as impossible. as also the whole Prairie inundated. In consequence of which I returned tho' with extreme difficulty making from five to 15 Miles per day ruined my Horse by the Ice. I shall be compelled to stay here with my Family untill the Roads and Rivers are in a situation to Travel with more safety. and expedition. I shall leave my Family here untill May. and go on to Chicago as soon as possible You will please pardon the unavoidable delay. Tho' necessary absence—for further particulars I refer you to Governor Clark. who will give you a statement of the situation of Roads. Rivers. Lakes etc. etc. If the Indian with whom I left my Horse to be taken to Detroit has ever delivered him to Mr. Kircheval or Mr Swartz. please have the goodness to dispose of him at a fair price say one Hundred and Ten Dollars for him and the Trimmings. and remit the money. or a check to Mrs. Doyle at this place care of General Clark. or my son who is writing in his office as a clerk. I have by this days mail written to Doctor Wolcott. asking for a small remittance. as my Funds are nearly exhausted fearing however that my letter to him cannot reach him in time could you with any degree of propriety remit me One Hundred Dollars or Let Governor Clark pay it to Mrs. Doyle here. by his being assured that the money, or check will be forwarded to him or placed to his credit in the Branch Bank U. S. at Detroit or if *you* think the money would go safe you might inclose a Note of One Hundred Dollars to Mrs Doyle care as above. should you do so. You can advise Doctor Wolcott of it, and place the same either to My account, or his. and this will be my receipt for the same, untill I see the Doctor at which time I will give him a Receipt in form. Your attention to this will confer a

[278]Now Peoria, Illinois. The fort was built by American troops under Gen. Benjamin Howard in the fall of 1813. *Wis. Hist. Colls.* XI, 242. (J. S. F.)

[279]The site of the lead mines. (J. S. F.)

singular favour on me. for I am placed here in a situation by no means enviable. in a land of Strangers. and my purse nearly empty. I have considerable of Funds to receive from Virginia next Spring and Summer. Which I ought to have had on my return for my Family last Autumn. but my agent was careless and inattentive, consequently my Business was neglected and I could not stay to attend to it Myself.

Please accept the assurance of My friendly regard

Alexander Doyle
U. S. Sub Agent. Indian
affairs. at Chicago in
the Territory of Michigan

Governor, Lewis Cass.
Ex officio. Superin'dt
U. S. In. Affs. at Detroit etc.

[Indorsement]

From January 21. 1828.
Alexander Doyle.
Informing me of his arrival at
St. Louis on his way to Chicago etc. etc.

[Address] 25*

His Excellency, Lewis Cass Governor of the Territory of Michigan
Detroit or in his Absence
to the Lieutenant Governor

L. CASS TO MAJ. GEN. MACOMB.

[Library of Congress—Schoolcraft Papers—1828.]

Detroit May 15. 1828

Sir,

I consider it important, that that portion of the Chicago road[280] between

*This was the amount of postage on letters at that time, and could be prepaid or not, according to writer's desire; afterwards it was 18¾ cents, lessening to ten, six, three, and now only two. No envelopes were used, the paper being folded and fastened with a wafer or sealing wax, and stamped with design, initial or coat of arms.

[280]Draft. This road from Detroit to Fort Dearborn was laid out by U. S. Commissioners in 1825. On Jan. 20 the Committee on Military Affairs reported to the House that "after a careful examination of the report of the War Department as well as the map of Michigan peninsula," they were "fully persuaded that to give that quarter of the country the security its importance to the Union requires, the aid of the government is loudly called for in the laying out, opening, and constructing roads in this section of our territory. This they consider not merely as a defensive measure, but as a measure of sound policy calculated to build up by proper encouragement, the settlement of that frontier with the sturdy yeomanry of the country." They then proceeded to indicate as necessary, roads leading from Detroit to Saginaw, Fort Gratiot and Chicago. Congress made provision for these roads March 2, 1827. *A. S. P. Military Affs.* III, 215; *Stats. at Large* IV. 231. (J. S. F.)

Detroit and the River Rouge should be constructed out of the appropriation made at the present Session of Congress. Nothing has been yet expended upon it, because it was considered expedient by the Superintendent to make a good road in the first instance over the wet County between the Rivers Rouge and Huron. That object has been accomplished, and has made way for others, which are now important. The distance will be considerably lessened by this route and a valuable tract of publick land will be brought into market. It is peculiarly interesting to the people here, that this work should be done.

Very

Maj. Gen. Macomb
Chief Engineer.
[Indorsement]
May 15. 1828.
To
Maj. Genl. Macomb.
Respecting the construction of the Chicago road between Detroit and the River Rouge etc.

L. CASS TO SECRETARY OF WAR.[281]

[Smithsonian—Schoolcraft Papers—File Case A. No. 346.]

Detroit May 25. 1828

Sir,

I have the honour to transmit you the enclosed resolution* of the Legislative Council of this Territory, and to add my own conviction, that the measure therein recommended is called for by the publick interest

Very

Hon. James Barbour
Secy of War
[Indorsement]
May 25. 1828.
To
War Department
Enclosing Resolution of the Legislative council.—

[281]Draft.

*This resolution (Journal page 35) relates to the Chicago Road between Detroit and the River Rouge.—C. M. B.

L. CASS TO ISAAC POWERS.[282]

[Library of Congress—Schoolcraft Papers—1828.]

Detroit, June 2d. 1828.

Sir,

I left here in the winter before the necessary information reached me to eneable [sic] me to determine, upon the nominations of the Citizens of Ypsilanti of a Justice of the Peace. Since my return, I have received two affidavits, copies of which are enclosed for your information. It is proper to observe that if these affidavits cannot be counteracted by other testimony, it will be improper for me to nominate you to the office of a Justice of the Peace.

I am, Sir,

Respectfully

Yo. Obt. Sevt.

Isaac Powers Esq[r].

[Indorsement]

June 2d. 1828.

To

Isaac Powers

Respecting appt. as Jus: Peace and enclosing copies of two affidavits.

L. CASS TO CHAS. C. HASCALL.[283]

[Smithsonian—Schoolcraft Papers—File Case II.]

Detroit June 7th. 1828

Sir,

Enclosed I transmit you copies of three affidavits, which have been forwarded to me, arraigning your official conduct, as a Justice of the

[282]Draft. Isaac Powers is not mentioned by John Geddes in his History of Ypsilanti Township, so it is fair to presume he was a comparatively recent comer. Later he migrated to Lenawee County where he kept a tavern on the Chicago road. In 1836 he held the local offices of supervisor and school inspector of Cambridge Township. *Mich. Pion. and Hist. Colls.* IV, 301, 303, 304, 401. (J. S. F.)

[283]Draft. Charles C. Hascall was a prominent citizen of Oakland County so long as he resided there. During the Black Hawk disturbance, he commanded a troop of "Oakland Cavalry." Later on he removed to Genesee County, and was first Receiver of the Land Office at Grand Traverse in 1836. He was a prominent citizen of Flint, and was proprietor of the Flint Democrat. For the outcome of these charges, see below. (J. S. F.)

peace. I have also to inform you that application has been made to me for your removal from office. Before proceeding to the consideration of the matter, I shall wait a reasonable time to give you an opportunity of taking and transmitting to me such testimony as you may think proper

Very O

Charles C Hascall Esq
Oakland County
[Indorsement]
June 7. 1828.
To
Charles C. Hascall
Enclosing 3 Affidavits

ISAAC POWERS TO LEWIS CASS.[284]

[Schoolcraft Papers—Smithsonian—File Case A.]

Ypsilanti June 9th 1828

Sir

In relation to my appointment, I feel weary of opposing the low Intreagues which have been taken to destroy my Reputation, I have enclosed all the evidence of my standing which I think Necessary, more of the same kind might be procured but if this is not sufficient together with the Voice of the people, I must yield to a barbarous persecution which wounds my feelings to that degree I can hardly write a sentence in intelligable language. I swear to Heaven I would rather be drawn in quarters by wild Horses than suffer the threatened Consequences of this abominable Slander. excuse my warmth for my feelings are wounded. I have every Reason to thank your Excellency for your generous treatment I am sir your most Obed humble Serv—

Isaac Powers

[Endorsement.]

June 9. 1828.
From
Isaac Powers.

[284] A. L. S.

DEPOSITION RESPECTING ISAAC POWERS.[285]

[Smithsonian—Schoolcraft Papers—File Case II.]

[June 9, 1828.]

Isaac Tabord (?) Deposeth and Saith that he was at the Raising of the saw Mill alluded to in Mr Eddys Affidavit and Remained, there until the hands all went away and that he saw nor heard of Isaac Powers' doing any thing of the like—I can further say that I have had a personal acquaintance with him ever since he has lived in this place, and a near Neighbour of his and his Moral Character stands fair and that the opposition to his being Commission[ed] proceeds from spite rather than principle

Ypsilanti Jun 9th 1828 Isaac Tabord [?]
Sworn and Subscribed before
me this 9 day of June A D
1828

Seeley N'eule [?] J P

L. CASS TO JEFFERSON SCOTT.[286]

[Smithsonian—Schoolcraft Papers—File Case II.]

Detroit June 16. 1828.

Sir,

I recd a short time since, a letter from M. Gerrard with a post-script added by you respecting a negro woman belonging to you, and now at Amherstburg

A gentleman of this place has at my request seen this woman, and delivered the letter addressed to her. He had some conversation with her and also with Mr. Reynolds at whose house she lives. She utterly declined returning, and I imagine the letter she wrote to you was intended merely to procure information respecting her husband and children. Where this evil which threatens so much injury to the holders of this species of property in Kentucky, is to end, I cannot see—it has increased to an

[285]A. D. S. Some of the names are difficult to decipher. Tabord or Taloud? Nevile or Neule. (J. S. F.)
[286]Draft.

alarming extent, and so long as these fugitives are protected by the laws of Up-Canada, you cannot expect their voluntary return. The only effectual remedy which occurs to me, is some conventional arrangement between ours and the British Govt. by which their apprehension and restoration may be enforced by legal authority.* I cannot but [think] that such a project will ere long be carried into effect.

Yours.

Jefferson Scott, Esqr)
Paris)
Kentucky)

[Indorsement]
June 16. 1828.
To Jefferson Scott,
Respecting negro woman.

L. CASS TO ISAAC POWERS.[287]

[Smithsonian—Schoolcraft Papers—File Case II.]

Detroit, June 17, 1823.

Sir,

I have examined the letters transmitted to me in relation to the application that has been made for your appointment as Justice of the Peace and I have submitted them to the members of the Council and taken their opinion upon the subject. Without forming any opinion, with respect to the nature of the charges that have been preferred against you, or determing [sic] upon their truth or falsehood, result of the enquiry into the whole matter is a conviction that it would not be expedient for the present to nominate you to the council for that office. The usefulness of a Publick [sic] officer and more particularly of a Justice of the Peace, depends in a great degree upon the confidence which his fellow citizens repose in his fitness for the office. The Citizens of Ypsilanti appear to be divided in their opinions in this matter, and an excitement prevails which altho' [sic] out of proportion to the importance of the occasion would tend to injure your exertions and influence in that office.

It would be my wish that no appt. for the present should be made, and in the hope that that course will be acceptable to the people there, I

*For a very early decision relative to the rights of fugutive slaves in Michigan, see *Mich. Pion. and Hist. Colls.* XXIX, 645.—C. M. B.

[287]Draft.

shall let the matter rest for a few days. Should however the publick [sic] will, require the office to be filled immediately as soon as that fact is ascertained I will decide upon the course which I ought to take.

Yours

Isaac Powers Esq[r].

[Indorsement]

June 17. 1828.

To,

Isaac Powers.

Respecting the examination of letters sent to me in relation to application for appt. Justice Peace etc.

LEWIS CASS TO WM. F. MOSELY.

[Smithsonian—Schoolcraft Papers—File Case II.]

Detroit, June 18[th] 1828.

Sir,

Pursuant to the resolution of the Council, which authorized your appointment, to prepare an index and marginal notes for the Laws passed at the last session,[288] I have fixed your compensation for the performance of that duty, at two hundred and fifty dollars. No means having been placed at my disposal, for the payment of this amt, it will be necessary for you to apply to the council for a specifick [sic] appropriation.

I cannot omit this occasion of expressing to you my satisfaction of the manner in which this duty has been performed, and I believe the community generally, fully accord in this sentiment.

Very etc.

[L. Cass]

[Indorsement]

June 18. 1828.

To

W[m] F. Moseley.

Fixing compensation for making index and marginal notes to the Laws of the L. Council etc.

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[288]Draft. Cf. *Supra*, letter of Cass, June 6, 1827. (J. S. F.)

LEWIS CASS TO T. J. DRAKE & S. V. R. TROWBRIDGE.[289]

Detroit, June 18. 1828.

Gent:

I enclose for your perusal certain documents which I have recd. from Mr. Hascall, in relation to the charges preferred against him as a Justice of the peace. From an examination of these papers, I have come to the conclusion that it would be improper, to remove him from that office. I transmit the papers to you, that you may see the defence which has been set up, and that you may be enabled to communicate, to such of your constituents as feel interested in the subject the circumstances attending it.

I will thank you to return me the papers after you have examined them. I am, Gent.

Yo. Obt. Sevt.

Honbl.
Thomas J. Drake Esqr
and
S. V. R. Trowbridge Esqr.

[Endorsement.]
June 18, 1828.
To Hon. T. J. Drake
and
S. V. R. Trowbridge
Enclosing sundry papers relative to Mr. Hascall.

L. CASS TO CHAS. C. HASCALL.[290]

[Smithsonian—Schoolcraft Papers—File Case II.]

Detroit, June 19. 1828.

Sir,

After examining the papers which have been transmitted to me, in relation to the charges preferred against you as a Justice of the Peace, I do not find sufficient cause for removing you from that office.

Respectfully etc.

Charles C Hascall, Esqr)

[Indorsement]
June 19. 1828.
To,
Charles C. Hascall
Saying "that I find no sufficient cause for removg him from office".

[289]Draft. Thomas Jefferson Drake, and Stephen V. R. Trowbridge represented Oakland County in the Legislative Council at this time. (J. S. F.)

[290]Draft.

D. WHITE TO L. CASS.[291]

[Smithsonian—Schoolcraft Papers—File A, under C.]

[June 19, 1828]

Dear Sir, having been over perswaded to act as Sec[y] of a meeting held in this village on tuesday evening the tenth Inst. I take the liberty to address your Excel[l]ency, on the subject for which that meeting was notified It was proposed by some that a remonstrance should be circulated against the appointment of Mr. Powers but it was concluded that a public meeting after Due Notice would be the most advisable course—that evening was very rainey [sic] and few attended who lived at any Distance—Mr. Powers with what few friends he has in this place attended Powers requested his friends not to make use of his name at all—the voice of the meeting was unanimous for John Curtis a person of respectability who has long held the office of Justice of the Peace in the state of New York—I can assure your Excellency that it is the wishes of a large majority of the people not only in this village but in the vicinity generally that M[r] Curtis should be appointed—I have no personal animosity ags[t] Mr. Powers but the voice of the people is against him—he has a few powerful advocates—Millington and Champion are at the head but they are sensible that the people are generally against Powers and therefor the most of their movements are in the dark— — — — — — — I have the honor to be your Excellencies most obedient and humble Servent [sic] — — — — — — — — — — — — — Daniel White M. D.

His Excellency L. Cass
Ypsilanti June 19th 1828

[Indorsement]
June 19. 1828.
From,
D. White
[Address]
His
Excellency Lewis Cass
Detroit

[291] A. L. S.

L. CASS TO SUPERVISOR OF THE TOWNSHIP OF YPSILANTI.

[Smithsonian—Schoolcraft Papers—File Case II.]

Detroit, July 2d 1828.

Sir,

The feeling which has been manifested in the Township of Ypsilanti, respecting the appointment of a Justice of the Peace,[292] has rendered it extremely difficult for me to take such a course, as would be satisfac[t]ory to myself, or to my fellow citizens there. Without forming any opinion in relation to the cause of this excitement, it is enough to know that it divides the community into two parties, and that its operation will probably affect the usefulness of any person who might now be appointed.

I have always considered myself in the exercise of the appointing power, but a trustee for the Publick [sic], and felt it my duty to carry into effect the wishes of my fellow citizens whenever I could ascertain them; but in this case I am greatly at a loss to know what the publik [sic] sentiment requires, and have thought it best under all circumstances to postpone a decision of the subject, and to give time for the present feeling to subside. I think a delay would be less injurious than an immediate appointment. I have therefore to request, that you will notify a meeting of the legal voters of the Township of Ypsilanti to be held at the usual place of holding township elections on the 1st Monday of Novr. next for the election of two Justices of the Peace for that Township. The result of that election, if its fairness is not impeached, I shall consider decisively the question. I will thank you to explain to the citizens of Ypsilanti my views upon this subject and I cannot but hope that this cou[r]se will be acceptable to them

To

Supervisor,

of the Township)

of Ypsilanti)

[Indorsement]

July 2d 1828.

To

Supervisior

Ypsilanti.

Requesting him to hold an election for two Justices of the Peace on the 1st Monday in Nov. next

[292]Draft. Cf. *Supra*, case of Isaac Powers. (J. S. F.)

L. CASS TO COL. THOS. L. McKENNEY.[293]

[Library of Congress—Schoolcraft Papers—1828.]

St. Joseph of Lake Michigan
Sep. 22d. 1828

Sir.

We have the honour to transmit herewith a treaty, which we have concluded with the Potawatamie tribe of Indians for the cession of a tract of land in the Territory of Michigan, and another in the State of Indiana.[294]

We have negociated [sic] with the tribe generally, and the stipulation for the payment of money and the delivery of other articles are general, but still there were separate interests, we were compelled to consult, as different bands claim and occupy the different tracts; and we conceive it our duty to submit to you the division, which is expected by the Indians, that the necessary instructions may be given, should the treaty be ratified.

Ten thousand dollars, of the goods to be given this fall have been distributed among the band, which ceded the tract in the Territory of Michigan. The annuity of one thousand dollars for twenty years, two thousand five hundred dollars, (part of the sum of seven thousand five hundred dollars,) which are to be applied for improvements, cattle etc., the three labourers, one thousand pounds of tobacco, five hundred pounds of iron, fifty pounds of steel and the blacksmith are to be also assigned to the same band. The other stipulations relate to the tribe generally and are the consideration for the cession in the state of Indiana. Of the twenty three thousand dollars in goods to be given for this tract this fall eight thousand dollars will be delivered at Chicago by the Indian Agent at that place, and fifteen thousand dollars will be delivered upon the Tippecanoe by General Tipton,[295] Indian Agent upon the Wabash. Dr. Wolcott,[296] the Agent at Chicago has drawn bills upon the department in favour of the various persons, who have supplied the goods already delivered to the amt of $10.000. These bills are accompanied by the invoices and certificates of delivery, and are payable after an appro-

[293]Draft. T. L. McKenney, Chief of the Bureau of Indian Affairs.

[294]This treaty was concluded Sept. 20, 1828, by Cass and Col. Pierre Menard. For its details see *Treaties between the U. S. * * * and the Indian Tribes to 1837.* (Washington, 1837) p. 431. (J. S. F.)

[295]John Tipton. (J. S. F.)

[296]Alexander Wolcott. J. S. F.)

priation shall have been made by Congress. The purchases yet to be made will be procured upon the same vouchers, and bills will be drawn in a similar manner by him and General Tipton.

The two tracts purchased contain probably 1,400,000 acres of land, and in fertility and other natural advantages yield to no section of the Western Country of similar extent.

We are not aware, that there is any thing in the treaty, requiring particular explanation. The stipulations generally are such as are usually found in Indian treaties, and such as will yield but a very moderate consideration to the Indians for the cession. The nature of the claims to be paid is fully explained in the schedule, and without making these allowances, and also the reservations called for it is impossible, at this time to effect a purchase of Indian lands. There are so many half breeds and Indian traders, to whom the Indians are attached and for whom the most extravagant claims are preferred, that unless a part of these is granted, the efforts of the Commissioners must be vain.

Very respectfully, Sir,

We have the honour to be

Your obt servts.

Col. Thomas L. McKenney

L. CASS TO REGISTER OF TREASURY.[297]

[Library of Congress—Schoolcraft Papers—1828.]

Detroit Oct. 9. 1828

Sir.

In compliance with your letter of the 5th ulto. I have the honour to transmit an estimate of the expenditures of the Legislative Council of this Territory for the year 1829 furnished by one of the members.

Very etc

Joseph Nourse Esq
Register of the Treasy.

[Indorsement]
Oct. 9. 1828.
To
Jos. Nourse.
Transmitting estimate of
Legislative Council for 1829.—

[297] Draft.

L. CASS TO SECRETARY OF WAR.[298]

[Smithsonian—Schoolcraft Papers—File Case A. No. 364.]

Washington Nov. 26. 1828

Sir,

By the several acts of Congress establishing Territorial governments, the Governors of Territories are constituted ex officio superintendents of Indian affairs therein. Their general duties are no where regulated by law,[299] and they are consequently legally bound to discharge such only, as appear to be fairly deducible from the terms above quoted. These would appear to relate to a general Superintendency over all persons and objects, connected with our Indian affairs, leaving the details and ordinary intercourse with the Indians to the Agents and other persons, employed in the department. I consider myself therefore under a legal obligation to superintend in the Territory of Michigan the general concerns relating to these objects, and to exercise a controlling authority, subject to the revision of the War department, over all persons in this branch of the publick service. And for the performance of these duties, I claim no extra compensation, and have never received any. But by the instructions of the War department I have been called upon to perform and have performed other and important and responsible duties, which no law imposed upon me.

1. I have disbursed to the Agents within the Territory all the funds required by them for the publick service.

2. I have made all the disbursements at Detroit, which the varied and extensive relations, arising out of our intercourse with the Indians at that important point rendered necessary, amounting since 1821 to near $300,000.

3. I have discharged the duties of Indian Agent at Detroit, and yet continue to discharge them.

Of their nature and extent and responsibility, it would occupy too much of your time to enter into a full consideration. There is probably no point in the Union, where more Indians annually resort, nor one where our relations with them are more important and complicated, in conse-

[298]Draft. Peter B. Porter of New York was Appointed Secretary of War to succeed James Barbour of Va., May 26, 1828. (J. S. F.)

[299]By this is meant Statute law. In this branch of service as in many others of the present day the law was of an administrative character, consisting of instructions and regulations drawn up by the department of which it was a part. (J. S. F.)

quence of the vicinity of the British Head Quarters of the Indian Department.[300] There the Indians annually assemble for presents and advice.[301] My house and garden and orchard are frequently filled with them, and the loss and expense they cause me can only be fully appreciated by those, who are acquainted with their manners and customs.

But I prefer no claim for these extra services and expenses. I am willing to leave them, as they are.

There is however one branch of the duties imposed upon me by the War department, for the performance of which I must now submit a claim to your consideration.

The Agencies of Piqua in Ohio, of Fort Wayne, near Eel River in Indiana, of Chicago in Illinois and a part of the wide Sub Agency of the Maumee in Ohio are placed under my superin[tendency] My duties in relation to them are

1. To correspond with the Agents and the War dept. on all subjects of doubt, or difficulty, to give general and in many cases special instructions to the Agents, to superintend and direct the general concerns of the dept.

1. In relation to Indian trade.
2. to Indian intercourse.
3. to the introduction of spirituous liquor into the Indian Country
4 to questions or subjects submitted by the Agents or others.
5 to claims for damages under the intercourse law, both by our own Citizens and the Indians.
6. to a great variety of other subjects, too devious to enumerate, and too much disconnected for a proper classification.

2. I am required to examine and report upon all the accounts, vouchers, abstracts and estimates of these officers. Books for each Agency are kept in which these documen[ts] are recorded. The estimates of the Agents are received quarterly, and if incorrect are corrected, and when correct are transmitted semi annually to the War dept. for examination and consideration. The accounts are investigated, and if any objection

[300] At Malden or Amherstburg. (J. S. F.)

[301] It was the policy of the British to keep the Indians of the Northwest in tutelage. Vast quantities of presents were distributed annually, and a good share of these were received by Indians from the U. S. In Sept., 1829, *Niles* quoted from the Canadian "*Colonial Advocate*" the statement that "about sixty tons of Indian presents are on their way to Amherstburg and Drummond's Island. Fifty or sixty tons more of presents are on their way up the Alciope." McLaughlin, *Lewis Cass*, p. 112. (J. S. F.)

appears, they are either rejected or sent back for explanation or alteration, as circumstances may require. A minute examination and report is strictly enjoined upon me by the War dept. After passing upon the accounts, which requires an investigation of the various items, the necessary arithmetical calculations, a comparison with preceding accounts, and their entry in the books, they are forwarded to the dept. for final decision.

In like manner, the annual abstracts are prepared, examined and transmitted.

3. I supply all these Agents with funds. and since 1821, I have disbursed to the these Agents and the Sub Agent I have stated not less than $500,000. The responsibility of transmitting there funds, a portion of which is in specie for the annuities, and is sent thro' the Indian Country on pack horses and all of which is sent thro an unsettled Country, devolves upon me, and I have also to encounter the responsibility, expense and delay of the settlement at the Treasury of the accounts for these payments. A commission of 2½ per cent, the usual compensation for the disbursement of money in cases, where that duty is not injoined by law, would give me for this branch of my services since 1821 upwards of $12.000.

I will not fatigue you with a long detail of facts. I have stated succinctly the nature of the claim, and I would observe beside, that no other superintendent of Indians is in the same situation with myself, or can prefer a claim upon the same ground as no other superintends agencies, which he is not required by law to superintend.

I add for your information, that in 1812 an allowance of $750 was made to Gen Hull for superintending the agency of Fort Wayne in the years 1809, 10 and 11. and this at a time, when not a dollar was disbursed by him for that agency, nor an account examined, and w[hen] the duties of a superintendent were nominal, compared with what they now are.

Very etc.

Hon. Peter B. Porter
Secy of War.

[Indorsement]
Nov 26. 1828
To
Secy of War.

JOHN JOHNSTON[302] TO L. CASS.—ADAMS VS. JACKSON.

[Smithsonian—Schoolcraft Papers—File Case A. No. 120.]

Upper Piqua
Decr. 9. 1828.

Dear Sir.

I have been waiting with much anxiety for communications from you since your arrival at Washington, as yet none have come to hand. I am not now certain that your Excellency is still at the seat of Government, but presuming that you are, I send this under cover to The Honble William Mc.Lean[303] with a request that he would convey it to you.

We are in a very unpleasant situation for the want of funds, the arrears has been accumulating upon us since last year, there being $1200 due on the 30th. June last over and above the sum received for the services of the first 6 months of the present year.

Thinking that your Excellency might be able to procure the funds whilst at Washington, I have to request that the proportion of this agency might be remitted in a draft to me at Columbus, where I expect to be on or about the 31 of this month and as I shall remain at Columbus some time I could disburse the money from there among my assistants, this arrangement would be a very great accomodation and I beg that it may be adopted, if it be at all practicable I do not expect to be able to reach Washington before the last week in January. The accounts and papers of the Canal concern has so greatly encreased that the Board is much longer in session than formerly, a good deal of the accounting business falls to my share[304]

There is sundry papers and estimates placed by myself in the hands of Mr. Mc.Lean of the H. of R. which I will thank you to see, and if approved, afford all the aid you can in getting them allowed. Mr. Mc.-

[302]A. L. S. For a sketch of John Johnston, long U. S. Factor and Indian Agent at Fort Wayne and at Piqua. Cf. *Supra.* (J. S. F.) He should not be confounded with John Johnston of Sault Ste. Marie.

[303]William McLean, brother of John McLean, post-master general and Justice of the Supreme Court of the U. S., was born in New Jersey, and removing to Ohio was appointed Receiver of Public Moneys at Piqua, Ohio. He served as a Representative from Ohio from Dec. 1, 1823, to Dec. 1, 1829. He then entered into business at Cincinnati, where he continued to reside till his death in 1839. (J. S. F.)

[304]By Act of the Legislature, Feb. 4, 1825, Ohio embarked in the construction of canals, which work, by joint resolution of the same date, was placed in the hands of a Board of Canal Commissioners consisting of seven persons. Of these John Johnston was a member. *History of Ohio Canals* (Published by the *Ohio Arch. & Hist. Soc.* 1905), pp. 16, 17. (J. S. F.)

Lean is a person of the best disposition and will do all that he can for us

I will be very happy to hear from you directed to Columbus any thing which you will be pleased to send will be forwarded free either by Judge Ruggles.[305] Genl. Vance[306] or Mr. Mc. Lean.

From my very soul I pity Mr. Adams.[307] my own dismissal from the service could not create more mortification a man of such rare endowments, who has served the nation so long so faithfully, and with such distinguished advantage to the country; with a life so exemplary and blameless, should not have been thus swept off. Persons of the most abandoned morals and character are—already in correspondence with the President elect, soliciting office. It is 31 years in July next since I entered the publick service at Philad:[308] and I hope for that mercy which I have always meted to others: many of Genl. Jacksons warmest supporters were dependent upon myself for their daily bread. Although I was decidedly opposed to his election, from the sacred consideration of Principle, I never interfered with the opinions of another

I am with very great respect your Excellencys

Mo. Ob. St.

John Johnston

Agreeable to my estimate heretofore fowarded the amount due in this Agency on the 31 Decr. 1828 will be $4200. *J. J.* The delay occasioned in paying the Annuities in this Agency last summer was in consequence of the U. S. Branch Bank at Cincina. refusing to take the draft on N. Y. without discount of half p. cent. I was therefore compelled to collect the specie among the merchants as I could. *J. J.*

His Excellency

Lewis Cass

Gov. of Michigan, now at Washington City.

[Indorsement]

Decr. 9. 1828.

John Johnson

Respecting funds for the agency etc.

[Address]

His Excellency

Lewis Cass

Governor of the Territory of

Michigan, now at Washington

[305]Benjamin Ruggles, senator from Ohio, 1815-1833. (J. S. F.)

[306]Joseph Vance, representative from Ohio, 1823-1835; governor of Ohio, 1836-1840; representative, 1843-47. (J. S. F.)

[307]John Quincy Adams had just suffered defeat in his candidacy for re-election to the Presidency. Johnston's view of the consequences to be expected from the rule of Jackson was held by most substantial men of the time. (J. S. F.)

[308]His service as Indian Agent at Piqua ended 1829. (J. S. F.)

ALEX. WOLCOTT, JUNIOR, TO GOVERNOR CASS—[FRAGMENT].

[Smithsonian—Schoolcraft Papers—Letters received 1828-31.]

[1828]

* * * * * * *

despots have placed themselves in a situation where they must be all or nothing.[309] They have entered upon a carreer where there is no stopping and they can never be safe till all the governments of the earth are assimilated to their own. They cannot hope to render their institutions permanent while our mighty example of the blessings of a free government is before the eyes of their subjects, and it is no very bold prediction to say that in a very few years we shall be forced to fight once more the battles of independence. As for Greece, it is idle to suppose that they will suffer her to establish a republican form of government in the midst of them,[310] and however much we may sympathize with her we must expect that her sufferings and exertion will be of no avail, that her doom is sealed. Let them turn upon us when they will I trust they will will [sic] find us able and prepared to resist them.

It is rumoured here that troops will be sent here this spring.[311] If it is to be so you will be sure to know it, and I will thank you for information upon the subject, as it is a matter which has some bearing upon my domestic arrangements.

Please to present my best respects to Mrs Cass and accept assurances of esteem and friendship from

Alex. Wolcott Jr.

His Excellency Governor Cass.

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[309]Fragment of A. L. S. A reference to system of repression advocated by Metternich and adopted by European governments toward republican tendencies in their respective dominions, and that of their neighbors. At this time they had checked by force, revolutions in Naples and other Italian States, and in Spain. The Monroe Doctrine was calculated to check operations by them against Spain's rebellious colonies in North and South America. (J. S. F.)

[310]They did, however, render her assistance later, and provided her with a royal ruler. (J. S. F.)

[311]This letter was written from Chicago where Wolcott was Indian Agent. The troops were removed from Fort Dearborn in 1823, but the garrison was restored in 1828. It was finally removed in 1836. *Fergus Hist. Series* No. 16, pp. 27-36. (J. S. F.)

L. CASS TO SECRETARY OF WAR.

[Library of Congress—Schoolcraft Papers—1829.]

Washington Jany. 22. 1829

Sir,

By the ordinance of Congress of July 13. 1787, which constitutes the basis of the governments of the Territories north of the Ohio, the appointment of General officers therein is vested in Congress, and by the act of Congress of 1789[312] the powers given to the Congress of the confederation to make appointments were transferred to the President and Senate. Provision has been made by the Militia laws of the Territory of Michigan[313] and by general orders issued in conformity therewith for the appointment of one Major General and a Brigadier General for each of the two Brigades.

As these officers are essential to a due execution of the Militia laws, I beg leave to suggest the propriety of their appointment and to state John R. Williams is entitled by seniority to the office of Major General, Charles Larned to that of Brigadier General of the first Brigade and John Stockton to that of Brigadier General of the second Brigade.

Very etc

Hon. Peter B. Porter
Scy of War.

[Indorsement] E*

Jany. 22. 1829

To
Secy of War
In relation to appt. of Genl. offs.

L. CASS TO ATTORNEY GENERAL.

[Library of Congress—Schoolcraft Papers—1829.]

Detroit April 24, 1829

Sir,

I refer to you the accompanying papers, with a request, that you would

[312] Draft. The Ordinance of 1787 was reenacted by Congress under the Federal Constitution in 1789, with suitable changes. Cf. Poore, *Charters and Constitutions*. 429-433. (J. S. F.)

[313] *Territor. Laws*, II, 235 *et seq.* (J. S. F.)

*Probably executive is here referred to.

examine them and report to me, whether it ought not to appear in the proceedings, that the means of the County at the disposition of the Commisioners were sufficient to enable them to erect the gaol.[314] And whether this is a case, which from the peculiar features of the law or of the construction given to it, requires the interposition of the Executive.

Very etc

William A. Fletcher Esq
Attorney General.
[Indorsement]
April 24. 1829.
To
Wm A. Fletcher
Atty. General
Reference in case of Commissioners of Brown Co.

L. CASS TO WM. A. FLETCHER.

[Library of Congress—Schoolcraft Papers—1829.]

Detroit, April 29, 1829.

Sir,

I have to request your opinion on the following subjects,

Does the authority to pardon, vested in the Governor of the Territory, extend to the remission of punishments, inflicted for contempts of Court by the Supreme Court of the Territory?[315]

After the assessment of a fine by the Supreme Court for a contempt, and an order, that the party shall stand committed, until the fine be paid, and the release by the Sheriff of such party, thereby presuming the pay-

[314]Draft. The matter referred to in this and the two succeeding letters is somewhat obscure, but a surmise may be ventured. The Commissioners of Brown were by the general law regulating their duties, charged with building a jail. In 1824 the Commissioners of Brown County were required on or before Oct. 1st of that year to have established the seat of justice in that County, and in 1825 the injunction was repeated, giving the Commissioners a year to fulfill the command. Another act, passed in 1828, enjoined the Supervisors of Brown County to build a jail. *Territor. Laws*, II, 130; II, 469; II, 183, 283, 671. It would seem, therefore, that the Commissioners either willfully disobeyed or were for some reason unable to comply with the law. The latter view was taken by Governor Cass. See letters following; also *Territor. Laws* III, 960. (J. S. F.)

[315]Draft. From this it would appear that the failure of the Commissioners discussed in the foregoing note led to *mandamus* proceedings on the part of the Courts to compel them. It is doubtful if the Courts had a legal right to do this, but it is entirely *possible* that this is what happened. (J. S. F.)

ment of the fine, will a pardon operate so as to authorize the Sheriff to refund such fine to the party?

I am, Sir etc

W. A. Fletcher, Esqr.
Atty. Genl.

[Indorsement]

April 29. 1829.

To

Wm A. Fletcher
Atty. General

Requesting opinion about remission of fines in certain cases.

L. CASS TO CLERK OF BROWN COUNTY.

[Library of Congress—Schoolcraft Papers—1829.]

Detroit April 29 1829

Sir,

I enclose a pardon for Mess. Porlier, Grignon and Bean,[316] together with a copy of the opinion of the Attorney General, upon which it has been granted. The former you will please to deliver to the Sheriff—

Very etc

Robert Irwin Esq
Clerk of Brown County.

[Indorsement]

April 29. 1829

To

Robert Irwin
Clerk of Brown County

With pardon for Commissioners of Co.

[316]Draft, endorsed "With pardon for Commissioners of Brown Co[unty]. Cf. *supra*. Apr. 24th, and 29th. James (or Jaques) Porlier (1765-1839) was a man of superior education and ability, and held offices both administrative and judicial, under the British and American governments in succession at Green Bay, till 1836. *Wis. Hist. Colls.* III, 241, 244, 245. Nicholas G. Bean came with the troops to Green Bay as a trader in 1816. (J. S. F.)

L. CASS TO SECRETARY OF STATE.[317]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit May 4. 1829

Sir,

I have the honour in answer to your circular letter of the 16th ulto, that,

There is one incorporated college in this Territory, called the University of Michigan. The publications intended for it should be directed to Detroit.

The route by New York, Albany and Buffalo.

From the facilities of conveyance along this route, I presume answers to the other queries will be unnecessary.

Very etc

Hon. M. Van Beuren
Secy of State.

[Indorsement]

May 4. 1829

To/

M. Van Beuren.

Answer to his queries with respect to facilities of communication to Detroit etc.—

L. CASS TO SECRETARY OF STATE.[318]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit June 3. 1829

Sir,

I have had the honour to receive your letter of the 18th ulto. and also forty two—copies of the Acts of the second session of the 20th Congress, to be deposited for publick information.

Very etc

Hon. M. Van Beuren
Secy of State

[Indorsement]

June 3. 1829

To

Secy of State

Acknowledging rect of 42 Cop. of Acts 2nd Ses. 20 Cong.

[317] Draft.
[318] Draft.

L. CASS—GENERAL ORDER.

[Library of Congress—Schoolcraft Papers—1829.]

General Orders
Head Quarter
June 17, 1829

The resignation of Capt. Skinner of the second Regiment has been accepted

Zephaniah W Bunce has been appointed Colonel, Samuel Wilson[319] Lieutenant Colonel, and John Thorn Major of the fifth Regiment.

A volunteer company of Artillery is hereby established within the bounds of the sixth Regiment, to be attached thereto, of which Martin Davis has been appointed Captain, James Kingsley, first Lieutenant, and Edward Clark, second Lieutenant.

A light Infantry Company is hereby established within the bounds of the sixth Regiment, to be attached thereto of which George W. Foster has been appointed Captain, John L. Rose, Lieutenant, and Orrin Derby Ensign.

By order of the Commander in Chief—

[Indorsement]
June 18. 1829.

General Orders.
Militia.

L. CASS TO SECRETARY OF STATE.

[Library of Congress—Schoolcraft Papers—1829.]

Detroit July 2. 1829

Sir,

I have the honour to transmit for the consideration of the President the record of the conviction of John Ramaca, a soldier at Prairie du Chien in this Territory, of the murder of Lieut. McKenzie.[319½]

[319] Draft. Wilson or Nelson?

[319½] Draft. Lieut. John Mackenzie was appointed to West Point Military Academy in 1813; served as 2 Lieutenant 8 Inf. 1819-1821, when he was transferred to 1 Inf. He became 1 Lieut. in 1822 and was murdered Sept. 2, 1828. It is not improbable that the harsh discipline of those times was the cause. *Wis. Hist. Colls.* XI, 399. (J. S. F.)

Although the fact does not appear upon the record, yet the Judge before whom the trial took place,[320] states in his letter to me, that the prisoner "was tried under the statute of the United States for murder committed within the limits of garrisons" etc. As the offence was not against the Territorial laws, the Governor of the Territory has no right to pardon it, and becomes therefore proper that the case should be referred to the President. I am not informed that there are any extenuating circumstances attending it.

Very etc

Hon. Martin Van Buren.
Secy of State.

[Indorsement]

July 2. 1829

To/
Secy of State.
Reference of case of Ramaca
to Prest. of U. S.

L. CASS TO M. L. MARTIN.[321]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit July 6. 1829

Dear Sir,

I have received your letter, respecting the offices of Clerk of the County Court, and Register of Probate of the County of Brown, together with the recommendation accompanying it.

The office of Register of Probate is vacant by the resignation of Mr Irwin, but there is no evidence in my possession of any vacancy in the office of Clerk, and I cannot therefore act upon that subject.[322] Presuming however, that I shall receive some official report upon the matter, before

[320] Judge James Duane Doty was appointed Additional Judge for the District of Michigan west of Lake Michigan in 1823. He served till 1831. (J. S. F.)

[321] A. L. S. Morgan L. Martin, at this time at the beginning of a long and honorable career, had come to Green Bay in 1827 at the instance of his cousin Judge James D. Doty. Previous to this, he had studied law at Loweville, N. Y., and afterward with Henry S. Coles at Detroit, where he was admitted to the bar in 1826. Beginning as U. S. District Attorney *pro tem* under Doty, he made rapid strides to success. He was a member of the Michigan Territorial Legislature 1831-1835, and of the Wisconsin Territ. Leg. 1838-1844; President of the State Constitutional Convention 1847-1848, member of the State Legislature, and served in both Houses of Congress. See his *Narrative of Early Times in Wisconsin. Wis. Hist. Colls.* XI, 380 *et. seq.* (J. S. F.)

[322] *Cf. seq.* Oct. 12, 1829.

long, to enable me to act, I have concluded under this expectation to delay acting, so that the questions respecting both offices may be before me at the same time.

Respectfully,
I am your obt sevt
Lew Cass.

M. L. Martin Esq

[Indorsement]
July 6. 1829

To/
M. L. Martin
Relative to officers of Clerk of Co. ct. and Register of Probate. Co. Brown.

[Address]
M. L. Martin Esq
Green Bay

JUDGE DOTY TO GOV. CASS.[323]

[Library of Congress—Schoolcraft Papers—1829.]

Munnómonee
Septr. 24. 1829.

To His Excellency
The Governor of Michigan—
Sir,

The accompanying statement of the facts proved in the case of James Brown is substantially correct, and I take the liberty to recommend the prisoners case to your favourable consideration.—

I am Sir, respectfully
Your obedient Servant
J D Doty

[Indorsement]
For Governor Cass.

[323]A. L. S. See following papers. (J. S. F.)

SAMUEL W. BEATT (BEALL?) TO L. CASS.[324]

[Library of Congress—Schoolcraft Papers—1829.]

Sept. 24th. 1829

To his excellency Governor Cass

Sir

There has of late been had a trial and sentence upon a charge of murder against James Brown, soldier in the U S service at fort Makinaw.—

I attended with Mr. Bayard on the part of the prisoner as counsel. The case was interesting, and great exertions were made by the country and the defence to develop its merits.—Although the event has been unfavourable, so thoroughly am I assured of the impossibility of ascertaining certain guilt, that [I] feel obligated to make this application to your Excellency to stay the execution of sentence until the case can be submitted to a hearing before the President.—The case and proof runs shortly thus.—

The accused stood charged with the *murder* of Corporal Flinn perpetrated on the [325] with a musket discharged in the mess room where the deceased.—accused and fifteen witness's were present.—

It was in proof that some hours previous a quarrel had taken place between them (with the qualification that it was slight, and such as was usual between soldiers). that Brown used the expression during the day "God knows which of us will live the longest—" and generally expressed his dissatisfaction of Flinn's treatment.—It was shown that Brown *Borrowed* the gun from an officer of his regiment on that morning, stating to the lender, that he had loaned his own to a soldier on military duty and was desirous to obtain one to mount guard next day—moreover that the piece was one of the surest in garrison, and well primed and appointed that day. No man saw the gun or Brown at the instant when discharged—but several saw him lowering it from *his hip*—he was taken immediately, and exhibited alarm and surprise—said "he wished it had been himself"—and "My God! what have I done"—he has steadily asserted his innocence from that moment. It was evidenced moreover that having borrowed the gun he was busily engaged seeking stones for cleaning and preparing his piece—that a soldier was with him—saw

[324] A. L. S.

[325] Blank in manuscript. (J. S. F.)

him take *them* (the stones) from his knapsack—saw nothing of cartridges—and that before Brown could possibly have loaded the gun Flinn was killed—that from 10 to 15 persons were in the room all day, and that in the opinion of the witness he could not have loaded without observation. His character at all hands was allowed and proven to be peaceable, and his reputation as a soldier and a man nothing less than unsullied.

No difference or cause of difference was ever known between the parties save the instance above and they had by military arrangement been members of the same post and regiment for months.—

Your Excellency will see the doubts suggested at every gradation of testimony—and that no sufficient reason appears that so slight a cause could lead to a catastrophe so awful. The case is most interesting and I do trust it will meet a full consideration in mercy.

The prisoner has assured me since his trial that he has intimation of evidence which will develop his innocence—and that the gun was loaded by a different person for another purpose, and was discharged by himself accidentally harmlessly intending to know the certainty of its fire. By sentence of the court he is to be executed the 25th. of November A D 1829.

The petition of this unfortunate James Brown to your Excellency is therefore—that under your authority execution be stayed until his case shall receive the decision of the president—and I cannot but add my most sincere hope that your compliance will [mstorn] dy.—

I have the honour to remain

Your excy's most obt. servt

Saml. W. Beatt.

[Address]

To/

Governor Cass

Detroit

Michigan Ter:

JOS. W. TORREY[326] TO GOV. CASS.

[Library of Congress—Schoolcraft Papers—1829.]

[No date]

To his Excellency Lewis Cass:

Governor of the Territory of Michigan,

Sir.

The undersigned has Examined the record of the trial of James Brown and which record, you are about to transmit to the President of the United States and respectfully requests, in behalf of said Brown, that you would be pleased to transmit to the President the following objections to the Jurisdiction of the Court by which the said Brown was tried; and the further objection hereafter stated to some of the proceedings at the trial, which the said Brown submits as the ground of pardon.—

Brown was tried, Convicted and sentenced at a special term of a Circuit and District Court held at Green Bay in the County of Brown, before the Hon: James Duane Doty Additional Judge for the Counties of Crawford, Brown and Michilimackinac, and whose Jurisdiction depends upon the Construction of an act Entitled "An act to provide for the appointment of an additional Judge for Michigan Territory and for other purposes "Approved Jany. 30. 1823. It is conceded that by the First Section of this act, the additional Judge is vested with the powers of the Supreme Court of the Territory of Michigan which includes the Jurisdiction of the Circuit and District Courts of the United States; but it is denied that the offence of which this man has been convicted, was within the powers given to this latter court. See the several acts of Congress, approved 30 Jany. 1823, 3d. Feby. 1805, 24th. Feb. 1807, and the act of 24th. Sept. 1789.

By the act of Apl. 30. 1790, Sec. 7. the Crime of Murder Committed within any Fort, Arsenal, Dock Yard, Magazine or other place or District of Country, under the *Sole* and *Exclusive* Jurisdiction of the United States shall be punished with Death, and the Criminal not from the nature of the Offence, but from the place where Committed, can be tried only by the powers granted by the act of the 24. Sept. 1789, and in the

[326] A. L. S. Joseph W. Torrey was one of the leading lawyers of Detroit, and was for a time Probate Judge of Wayne County. He represented Wayne Co. in the 5th Legislative Council and was elected to the Mich. Hist. Society in 1830 and was active in the organization of the Detroit Temperance Society. For a sketch, cf. Farmer. (J. S. F.)

Courts in which that power is vested—Now Brown Committed the act for which he is under sentence of Death within Fort Mackinac, in Michigan Territory, and the question is, whether Fort Mackinac, is within the *Sole* and *Exclusive* Jurisdiction of the United States.

When the people of the Several States, formed the Constitution of the General Government, it was not by ceding any Exclusive Jurisdiction, over any place or District of Country, but by the grant of general powers over *Specific* Subjects. The Territory of the United States and the Sovereignty over it, remained in the states, and the United States have no Exclusive Jurisdiction, over any place which has not been Specially ceded by grant of the Several States.—It was a Cession by grant of states that the United States acquire *Sole* and *Exclusive* Jurisdiction over Forts, Dockyards, etc.; and it was this Sole and Exclusive Jurisdiction in the United States which required the passage of the seventh Section of the Act of 30. Apl. 1790—Without this it is manifest a Murder or other Offence Committed within these Ceded places Could not have been punished.

The Territory North West of the Ohio, formerly subject to France, was Ceded to the United States by the States of Virginia New York, Massachusetts, and Connecticut who claimed by virtue of their respective charters, and although the Territory of the United States by grant yet, nevertheless, the Jurisdiction of the United States was never Sole and Exclusive in it, Congress having provided for its Government by the Ordinance 13 July 1787 adapted to the Constitution of the United States 7. Aug 1789—which is now in force in the Territory of Michigan—This Ordinance provides for the appointment of the Supreme Court of the Territory of Michigan, and vests it with a Common Law Jurisdiction which is regulated in its exercise under the Act 3. March 1823, by the local Legislature.—By the local law Approved Apl. 12. 1827 Every person guilty of murder in said Territory, is punishable with death; and to be tried by the said Supreme Court, or additional Judge under the local acts of 13. Apl. 1827 and 2. July 1828—It cannot be doubted then that the additional Judge possesses like the Judges of the Supreme Court a Common law Jurisdiction and that Murder Committed within the Territory is to be tried within that Jurisdiction, and punished by the Measure of the Local Law—

From the first Organization of a Government in the Territory North West of Ohio to the present time the spots in it, where Forts, arsenals etc. of the U. States, are situate, have never been considered or treated, as under the Sole and Exclusive Jurisdiction of the U. States, or as liable

to any Jurisdiction different from the residue of the Territory or Exclusive of the Common Law Jurisdiction, of the Judges therein, under the Ordinance and Laws of the U. States—These spots are, and always have been held to be within the reach of all sorts of legal process, from the Territorial Courts, both Superior and inferior, whether appointed by Congress or the local legislature—And such is the situation of the Territory, that to hold the places where Forts are now built, many of which are at present unoccupied, as under the Sole and Exclusive jurisdiction of the U. States would be to Erect so many places of refuge for the guilty criminal and the unprincipled debtor, to which they could fly and be beyond the reach of all local law—It cannot be that Forts, Arsenals, Dock Yards etc. are *Ex Vi termini* Exclusively within the Jurisdiction of the U. States; this Jurisdiction depends on the grant and the Law of the Sovereign—

It now only remains to state that the Circuit Courts of the United States, and the powers of these Courts when Exercised by the Judges of this Territory, under the Act 3. Feb. 1805 and 30. Jany. 1823, cannot Exercise a Common Law Jurisdiction in Criminal Cases—Even their powers given by statute, are strictly Construed, and their proceeding are Erroneous if their Jurisdiction be not shewn—3. Dall 382. 4. Dall. 8. 1. Cranch 343. 2. Cranch 186. 5 do 185. 7. do 32 Kents Com. title Jurisdiction see also the Treatises on Jurisdiction by Mr. 'Duponceau and Mr. Sergeant—

The Additional Judge sitting as a Circuit Court had no Jurisdiction on the ground of the nature of the offence; being Committed within the Territory, it was such at the Common Law—

It is Contended then, that the Additional Judge sitting as a Circuit and District Court of the U. States, had no Jurisdiction over the Offence of Brown; that the Jurisdiction of the Circuit and District Court of the U. States is wholly by Statute and not by the Common Law and has Cognizance of the Crime of murder only when Committed within places *Solely and Exclusively* under the Jurisdiction of the U. States; that the Fort at Michilimackinac is not a place Solely and Exclusively under the Jurisdiction of the U. States [327] but within the Common Law Jurisdiction of the Judges appointed under the Ordinance of 1787 and the law of

[327] The opinion expressed here is erroneous, and arises from a confusion of ideas respecting the jurisdiction of the U. S. Courts over crimes committed within forts and arsenals within a *state*, and similar cases in a *territory*. In the former case, the jurisdiction is absolute and unlimited only when acquired by special cession by the local sovereign; in the latter case, it is to be presumed absolute and unlimited, subject to the laws of Congress and the Constitution. For the outcome of this case see below. (J. S. F.)

Congress 30. Jany. 1823 and subject to the Government and local Laws of the Territory of Michigan.—

Besides the foregoing objections to the Jurisdiction of the Court, the following views of the proceeding at sd. trial are respectfully submitted —viz

1st. This Man Brown was first tried and convicted and a new trial granted in the County of Michilimackinac where the offence was Committed. After the new trial was granted, the Hon: Judge, on the ground of public convenience Changed the Venue to the County of Brown—Sec 5. Act 24. Sept 1789—Now it is insisted that this Section of the Act, gave no power to remit, to a special Court, the business depending before a stated Circuit Court 3. Dall. 17. Trials for Treason Secd. Vol. 335 to 357—

2d.—Brown was tried in the County of Brown by a Jury of that County—12 Petit Jurors should have been summoned from the County of Mackinac, the place where the offence was Committed—Ingersolls Digest of 1825—Page 96. Burr's trial Vol. 1.

With these views of the proceeding of said trial, which can scarcely leave a doubt that Error has intervened taken in connection with what has been urged against the Jurisdiction of the Court, strong hopes are Entertained that the whole may be considered by the President of the United States, as a safe ground of pardon.

These views have been hastily drawn up, but it is hoped that no misstatement Either of Law or fact has been made—and if they can aid an unfortunate fellow-being, in obtaining a release from the Awful Sentence the law has fixed upon him, the aim of the undersigned, who was his Counsel at Michilimackinac will be achieved—at all events that aim itself, will be Consolatory to him—and he doubts not will meet the approbation of the intelligent and benevolent Judge, the legality of whose proceedings have, respectfully, been denied or questioned—With great respect, I have

the Honour to be, Sir,
Your Obedient
Servant
Jos: W. Torrey

L. CASS TO SECRETARY OF STATE.[328]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit Oct. 5, 1829.

Sir,

I have the honour to transmit for the consideration of the President the accompanying papers, which I received yesterday, relating to James Brown, a soldier in the Army, who has been convicted of murder, and is now under sentence of death at Green Bay in the County of Brown in this Territory. His execution is assigned for the 27th day of November, at Michilimackinac.

The opportunities of communication with the upper country during the latter part of the Autumn are few and uncertain, and as the President's decision cannot reach here before the last of this month, if I find previously to the time of it's arrival, that another vessel will not sail for Green Bay this season, I shall grant a short reprieve under the act of Congress of March 3. 1823, until the pleasure of the President can be known.

Why the papers were not transmitted at an earlier day I am unable to tell.

With great respect
I have the hònour to be, Sir
Your most obet. Servt.
Lew Cass.

Hon Martin Van Buren
Secretary of State

[Indorsement]
E. D.
To/
1829. Oct 5
Papers concerning the trial of James Brown,
and the application for his pardon. Sent on to the President, and returned by him, with a refusal of the application.
Michillimackinac.

[328]A. L. S. Endorsed.—"Papers concerning the trial of James Brown, and the application for his pardon sent on to the President, and returned by him with a refusal of the application." See Cass to Biddle, Dec. 8, 1829, below.

L. CASS TO EDWARD BIDDLE.

[Library of Congress—Schoolcraft Papers—1829.]

Detroit. Decr. 8. 1829.

Sir,

I have received the President's decision on the application for the pardon of James Brown.[329] And as it adverse thereto, I deem it expedient to communicate to you the result as early as possible, that the unfortunate man may be aware of his fate, and prepare himself for the awful change which awaits him. It will be your duty to carry into effect the sentence of the Court on the day fixed in the reprieve sometime since transmitted to you.

Very Resptly etc

Edward Biddle Esqr
Sheriff
Mackinac)

[Indorsement]
Decr. 8. 1829.

To
Edward Biddle
With President's decision in James Brown case.—

L. CASS TO ATTORNEY GENERAL.[329½]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit Oct. 12. 1829

Sir,

I forward herewith the copy of an opinion allowed by Judge Doty, and request you to inform me whether in your opinion Mr. Irwin[330] is the actual

[329]Draft, endorsed,—"With the President's decision in James Brown's case." (J. S. F.)

[329½]Draft. Cf. *supra*, Cass to M. L. Martin.

[330]Robert Irwin Jr. was appointed Clerk of Court in 1819 by Governor Cass. In 1825 provision was made by law to fill such offices by appointment of the Governor, by and with the advice and consent of the Legislative Council. Present incumbents were, however, to continue in office till their successors qualified. Either by oversight or design, Irwin had remained undisturbed in office up to this time. *Stats. at Large* IV, 80; *Terr. Laws* II, 235, 289. (J. S. F.)

[331]Draft.

Clerk of the County of Brown. He was appointed as is stated by Judge Doty, and has not been since nominated to the Council, nor has any successor been appointed.[330] He continued in the execution of the duties of the office, until the delivery of this opinion

Very etc

William A Fletcher Esq
Atttorney General—

[Indorsement]

Oct 12. 1829
To/
Atty Genl.

Requesting opinion in the case of Irwins removal from office of Clerk of Ct. Co. Brown.

L. CASS TO THE REGISTER OF TREASURY.[331]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit Oct. 13. 1829.

Sir,

In conformity with your letter of the 10th. ulto. I have the honour to transmit herewith estimates of the expenditures of the government of the Territory of Michigan, for the year 1830, as provid[ed] for by the acts of Congress.

Very

T. L. Smith Esq
Register of the Treasury
Washington

Estimate of expenditures of the civil government of the Territory of Michigan; as provided for by acts of Congress for the year 1830

Salary of the Governor	$2000
" " Secretary	1000
" three Judges of the Territory at $1200 each	3600
" one additional Judge for the Counties of Michillimackinac Brown and Crawford	1200
For the contingent expenses of the Territory	350

For the expenses of the Legislative Council as by the estimate herewith transmitted transmitted [sic] 6.850

[Indorsement]

Oct 13. 1829

To

Treasy Dept.

Transmitting estimate of expenses of civil govt. of Territory for 1830.

L. CASS TO DANIEL GOODWIN.[332]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit Oct. 14. 1829

Sir,

In answer to your letter of the 9th. instant, I have to state, that I think it would be best to confine the prosecution to the persons reported by Maj. Twiggs,[332½] namely, Daniel Whitney,[333] Ebenezer Childs[334] and Pliny Sabins.[335] It appears to me it would not be necessary to call a

[332]Draft. Daniel Goodwin (1799-1887) was at this time acting as U. S. District Atty. *pro tem.* in that part of Michigan west of Lake Michigan. He was one of the very ablest of Michigan lawyers, and during his long career filled many important offices. In 1834 he was appointed U. S. Dist. Atty. for Michigan Territory; in 1843, judge of the Supreme Court of Michigan, and in 1850 he presided over the Constitutional Convention. For a fuller account see *Michigan Pion. & Hist. Colls.* XIII, 284 et seq.; also Farmer. (J. S. F.)

[332½]David Emanuel Twiggs was born in Ga. in 1792, where he died in 1862.

In 1812 he joined the 8th Infantry and fought through the war with Great Britain. In 1814 he became Major of the 28th Inf., but this regiment was soon disbanded and he took a captaincy in the 7th Inf., where he remained until promoted to Major of the 1st Inf. in 1825.

In 1831 he became Lt. Col. of the 4th Inf., with which he took part in the Black Hawk war, but out of his command of 208 men, thirty died of cholera, and 155 were frightened by the disease into desertion.

He served during the Mexican war under Zachary Taylor and Gen. Scott with so much valor and skill, that he was promoted Brig. Genl. and voted a sword by congress and made Brev. Maj. Genl.

In 1861, while in command of the Dept. of Texas, he surrendered to the confederates, was dishonorably discharged, took a Maj. Genl's commission in the Rebel Army, which he resigned just before his death.

[333]Daniel Whitney came to Green Bay in 1820 and established a large store there. In 1827-1828, he obtained permission from the Winnebagoes to make shingles on the upper Wisconsin, but his men were driven off by soldiers sent by Major Twiggs, commandant at Fort Winnebago at the instance of the Indian Agent. The prosecution was for trespass on this account. (J. S. F.)

[334]Col. Ebenezer Childs of Worcester County, Massachusetts came to Green Bay in 1820, and engaged in various occupations,—storekeeper, carpenter, contractor and lumberman. It was while executing a contract with Whitney for subsisting the latter's lumbering party, that he became liable to the above prosecution for trespass. He became sheriff of Brown County in 1829, and retained that office till 1837, when he became a member of Wisconsin Territorial Legislature. For a fuller account of his life, see his "Recollections" *Wis. Hist. Colls.* IV, 152 et seq. (J. S. F.)

[335]Pliny Sabines was agent of Whitney in charge of the lumber camp. (J. S. F.)

special Court. And with respect to the place, where the prosecution should be instituted, I beg leave to refer this to your own decision. It would be proper to select the Court with reference to the publick interest and the convenience of those, whose attendance would be necessary.

Very,

Daniel Goodwin Esq

[Indorsement]

Oct 14. 1829

To

Dan. Goodwin—

SUNDRY DEPOSITIONS IN CASE OF DANIEL WHITNEY 1829.[336]

[Smithsonian—Schoolcraft Papers—File Case A. No. 85.]

[September 28, 1829]

I Joseph Quinney[337] of Staats Burgh in the county of Brown, do depose and say, That I went with Mr. Daniel Whitney, to the Upper Wisconsin on the Wisconsin River, in the winter of 1829: That I remained with Mr. Whitney's men making shingles for about two weeks, and was in his employ during that time under the direction of Pliny Sabins who acted as his agent: That I was always in company with Mr. Whitney's teams while going to the Upper Wisconsin, and there was no liquor or ardent spirits of any description taken up by Mr. Whitney.

When I went to the Wisconsin River, my orders were to remain there and make shingles, in case the Indians inhabiting the country did not complain of the encroachment: but that if the Indians did complain, we should all immediately desist from cutting their timber. The Indians frequently visited the camp where Mr. Whitney's men resided, both Winnebaggoes and Menomonies, and they were all well satisfied that we should remain there as long as we pleased: No complaint ever existed against us. I am a native of the Stockbridge tribe of Indians and have since my residence at Green Bay, been on terms of friendship and fellowship with the Menononee and Winnebaggo Indians.

Joseph M Quinney

Sworn and Subscribed the 28th.
day of September A. D. 1829)
before me, one of the Justices of the
Peace in and for said County of Brown

N. G. Bean
Justice of the Peace

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[336] A. D. S. Inserted here to follow Cass to Goodwin, Oct. 14, 1829.

[337] Possibly a brother of John W. Quinney and Austin E. Quinney, leading men of the Stockbridge Indians. *Wis. Hist. Colls.* III, 303-334. (J. S. F.)

Also personally came, Elijah Lowry, who being duly sworn deposeth and saith, that he is a native of the Deleware tribe of Indians, and that he was one of the persons constituting the shingle party of Mr. Daniel Whitney on the Upper Wisconsin in the winter of 1829: That he is acquainted with all the facts stated in the above and foregoing affidavit of Joseph M. Quinney and that they are true as therein set forth.

his
Elijah X Lowry
mark

Sworn and Subscribed the 28th.
day of September A. D. 1829)
N. G. Bean
Justice of the Peace

Before N. G. Bean, Esquire, one of the Justices of the Peace in and for the County of Brown, personally came Adam King, who being sworn deposeth and saith, That he is a native of the Onedia tribe of Indians residing at Staatsburgh in said County. That he is one of the persons who formed the party making shingles on the Upper Wisconsin in the winter of 1829 under the direction of Pliny Sabins Agent of Mr. Daniel Whitney: That he has heard read, the affidavit of Joseph M Quinney and that the facts therein stated are true: That the deponent remained on the Upper Wisconsin a little more than one month, during which time no complaints were made by the Indians residing in that country; That Mr. Whitney directed all the men under his employ at that place, to leave it whenever any complaints were made by the Indians residing there.

That Mr. Whitney took no spirits of any description to the Wisconsin River, and none of the party had any while they were absent from home, except what they purchased individually from other traders. And further that the deponent together with nine other persons were taken by a party of soldiers from Fort Winnebaggo, and brought to that place, which was the first time the deponent had known of any dissatisfaction on the part of the Indians of the country, with whom the Oneidas and other tribes from New York, had always been on terms of friendship and good feeling.—

his
Adam X King
mark

Sworn and Subscribed the)
28th. day of September)
A. D. 1829
N. G. Bean
Justice of the Peace

Also personally came, Abram Doxtater who being duly sworn deposeth and saith, That he is a native of the Stockbridge tribe of Indians; that he was one of the persons who constituted the party of Mr. Whitney making shingles on the Wisconsin; and that he is acquainted with all the facts mentioned in the above and foregoing affidavit of Adam King, and that they are all true as therein stated.

his
Abraham X Doxtater
mark

Sworn and Subscribed the 28th.
day of September A. D. 1829)
N. G. Bean
Justice of the Peace

Also personally came, Benjamin Palmer, who being duly sworn deposeth and saith, That he is a native of the Stockbridge tribe of Indians and was one of the persons who constituted the shingle party of Mr. Daniel Whitney on the Upper Wisconsin during the winter of 1829: That he is acquainted with all the facts stated in the above and foregoing affidavit of Adam King, and that they are true as therein set forth.

his
Benjamin X Palmer
mark

Sworn and Subscribed the 28th.
day of September A. D. 1829)
N. G. Bean
Justice of the Peace

Also personally came, Moses Charles, who being duly sworn deposeth and saith, That he is a native of the Stockbridge tribe of Indians, and was one of the Persons constituting the shingle party of Mr. Daniel Whitney on the Upper Wisconsin during the winter of 1829: that he is

acquainted with all the facts stated in the above and foregoing affidavit of Adam King, and that they are true as therein set forth.

his
Moses X Charles
mark

Sworn and Subscribed the 28th.
day of September A. D. 1829)
N. G. Bean
Justice of the Peace

Also personally came, cornelius Charles, who being duly sworn deposeth and saith, That he is a native of the Stockbridge tribe of Indians and was one of the persons constituting the shingle party of Mr. Daniel Whitney on the Upper Wisconsin during the winter of 1829: that he is acquainted with all the facts mentioned in the above and foregoing affidavit of Adam King, and that they are true as therein set forth.

Cornelius Charles

Sworn and Subscribed the 28th.
day of September A. D. 1829)
N. G. Bean
Justice of the Peace

Also personally came, David Lollux, who being duly sworn deposeth and saith, That he is a native of the Deleware tribe of Indians and was one of the persons constituting the shingle party of Mr. Daniel Whitney on the Upper Wisconsin during the winter of 1829: that he is acquainted with all the facts stated in the above and foregoing affidavit of Adam King, and that they are true as therein set forth.

his
David X Lollux[338]
mark

Sworn and Subscribed the 28th.)
day of September A. D. 1829)
N. G. Bean
Justice of the Peace

L. CASS TO REGISTER OF TREASURY.[339]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit Nov. 15. 1829

Sir,

I have been requested by the Legislative Council of this Territory to

[338]"Robert Konkapot," written first, and crossed out. (J. S. F.)
[339]Draft, endorsed "forwarding, estimate for the Council." (J. S. F.)

forward to you the enclosed supplemental estimate

Very etc

T. L. Smith Esq
Register of the Treasy

[Indorsement]

E. D.
Nov. 15. 1829.
To the Register of the Treasury,
forwarding estimate for the Council.

L. CASS TO TROWBRIDGE, ADAMS AND BELL.[340]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit Dec. 1. 1829

Gentlemen,

Pursuant to the provisions of the act approved October 29. 1829, and entitled, "An Act to raise a sum of money by lottery for the purpose of establishing a free communication by land,[341] between the City of Detroit and the Village of Monroe" you are hereby appointed the Managers to conduct the said lottery.

Very etc

Charles C Trowbridge[342]
James Q Adams
Thomas Bell Esquires

[Indorsement]

Dec 1. 1829
To/
Charles C Trowbridge
Jas Q Adams
Thomas Bell.
Appt. as Managers of Michigan Lottery.

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[340]Circular draft.

[341]The Detroit-Maumee road was obstructed by toll-bridges, authorized by previous legislation. It was the intent of this act that the money raised should be used either to extinguish the title to the toll-bridges, or to open up the territorial road already authorized. *Terr. Laws* II, 704, 731. (J. S. F.)

[342]Trowbridge refused to serve, not believing in such schemes. (J. S. F.)

L. CASS TO SAMUEL DEXTER.[344]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit Decr. 8. 1829.

Dr. Sir,

I regret that the result of the election in your Township for two Justices of the peace did not reach me till after the adjournment of the Council. In consequence of the delay it is now out of my power to make the appt. until vacancies occur in the county or on until the Council again meet. I shall consider my duty to nominate Mr Williams and Mr. Goodrich to the next council, and I will thank you to explain to your citizens the causes of this delay.

I am etc

Saml. W. Dexter Esqr.
Dexter
Washtenaw Co)

[Indorsement]

Decr. 8. 1829.
To
Saml. W. Dexter
Respecting appt. of two Justices of the peace etc—

L. CASS TO AMOS MEAD.[345]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit Decr. 28. 1829.

Sir,

I have received from a number of the inhabitants of the Township of Farmington, and application for your re-appointment as Justice of the Peace for the County of Oakland. A re-appointment is wholly unnecessary. Because on the expiration of your term of office, you remain in service until a successor is appointed and qualified. It seems to be the opinion, looking at the Territorial act of June 1828 and also the act of Congress, that no successor can be appointed until the next session of

[344]Draft. For note 343 see 329.
[345]Draft. In connection with this, see above L. Cass to Attorney General, Oct. 12, 1827 and *note*. (J. S. F.)

the Council. I will thank you to communicate to those persons who have applied to me, this view of the subject.

I am, respectfully,
Yo. Obt. Sevt.

Amos Mead Esqr.
Farmington)

[Indorsement]
Dec. 28. 1829.

To
Amos Mead.
Respecting application for re-appointment as Justice of Peace

L. CASS TO THIRD AUDITOR.[346]

[Library of Congress—Schoolcraft Papers—1829.]

Detroit Decr. 25. 1829

Sir,

Accompanying this I have the honour to transmit you Three claims received here against the Quarter Masters Dept.

I am Sir etc

Peter Hagner Eqr.
3d Auditor of the Ty.)

[Indorsement]
Decr. 25. 1829—
To
Peter Hagner

L. CASS—CERTIFIED STATEMENT.[347]

[Library of Congress—Schoolcraft Papers—1829.]

It is hereby certified, That at the Treaty concluded at Saginaw, between Lewis Cass, Commissioner on the part of the United States, and

[346] Draft.

[347] A. D. S. A treaty with the Chippewa nation of July 29, 1829, had set aside $11,601 for payment of claims against the Indians. Barnabas Campau therefore desired to establish the priority of his claim, in order to share in the division. See Trowbridge's account of Campau. *Mich. Pion. and Hist. Colls.* IV, p. 472; also, following Petition of Campau. (J. S. F.)

the Chippewa tribe of Indians, on the 24th of September 1819; an account in favour of Barnabas Campau* of Detroit, amounting to sixteen hundred dollars, for articles theretofore furnished them, was presented by the Indians, with an acknowledgment of the justice of the claim, and a request to the Commissioner that provision might be made in the body of the Treaty for its payment, out of the annuities thereafter to become due them. The Commissioner, doubting his authority to introduce such a stipulation into the Treaty, it was inserted as a Supplementary Article.

Detroit Dec 30. 1829.

Lew Cass.

[Indorsement]

1829
Dec. 30.) Certificate of Governor Cass as to B. Campau's claim

PETITION OF B. CAMPAU TO SECRETARY OF WAR.[348]

[Smithsonian—Schoolcraft Papers—File Case A. No. 89.]

[Jan 2, 1830]

To the Honorable,
John H Eaton,
Secretary of War.

The application of Barnabas Campau, of Detroit in the Territory of Michigan, respectfully shews:

That in the fall of 1815, the Chippewa Indians resident at Saginaw in this Territory, were left by the consequences of a change from War to Peace, and the absence of any trading establishment in their country to supply their wants, in a state of great destitution. That to procure relief from present distress, and to provide for the exigencies of the coming winter, they applied to the Subscriber with whom they had formerly been in the custom of trading, for assistance. That they received from him an amount of clothing and amunition, sufficient to relieve the immediate pressure of their necessities; for part of which in the course of the three succeeding years, they paid him; leaving in 1819, due to your applicant, the sum of $1674.50

In the year 1819, a Treaty was had between these Indians and the United States, at Saginaw, at which, conceiving it to present a favourable

*Barnabas Campau and Joseph Campau were brothers and very wealthy and influential citizens of Detroit.—C. M. B.

[348]A. D. S. See Cass's statement above. (J. S. F.)

opportunity and the easiest means to discharge the claim of your applicant, and moved to it as well from feelings of gratitude as by a sense of justice, they procured, and presented to the United States Commissioner, in open Council, your applicants account, acknowledging their indebtedness, requesting its payment and urging to have provision made for its discharge out of the annuities thereafter to become due them, by inserting a stipulation to that effect in the body of the Treaty. The Commissioner, questioning his authority to add such a feature to that instrument and yet satisfied of the good faith of the parties, caused it to be inserted in a Supplementary Article.

A reference to the certificate of His Excellency, Governor Cass, who acted as sole Commissioner for the United States at the Treaty of 1819, and which is herewith transmitted, will substantiate these facts.

The history of the nature of the transaction, given above, is sustained by the testimony of your applicant and that of Mr. Joseph Campau, a citizen of Detroit, hereto appended, whose claims to credit will be fully supported through our Delegate, Maj. Biddle.*

By a reference to the certificate of the Cashier of the Bank of Michigan, accompanying this application, it will be seen, that the claim of Conrad Ten Eyck, similarly situated and depending for its validity upon a similar acknowledgment and request of the Indians, made at the same time and place, and contained in the same instrument, has, under the direction of the War Department, been paid. It will also be observed that by direction of the same authority, the claim of the American Fur Company, certainly less favourably circumstanced, whether the difference of circumstances in its origin, or the absence of an equally formal sanction for its payment by the Indians themselves, be regarded, has been, in part, liquidated, and is in train to be entirely adjusted.

The subscriber therefore confidently submits his application to your Excellency, praying that the decisions of the Department which have directed the liquidation of the claims above cited, may be applied to his case, and that the proper agent of government may be authorized to retain from the annuities hereafter to be paid to the Saginaw tribe of Indians, in such proportions and at such times as your Excellency may deem proper and advisable, the sum acknowledged by the Indians to be due to him, and the payment of which they have sanctioned, by their public and formal act.

And your applicant will ever pray.

B. Campau

---

*John Biddle of Detroit, then Territorial delegate. (J. S. F.)

Detroit Jan 2. 1830.
Territory of Michigan)

County of Wayne p.) I, Joseph Campau, being first duly sworn, do depose and say, that so far as reference is made to my knowledge of the facts stated in the foregoing application, the same are just and true.

Jos Campau

Territory of Michigan)

County of Wayne p.) Before me, Charles C Trowbridge Notary Public for the County aforesaid, personally came Barnabas Campau, and Joseph Campau, who being duly sworn on the Holy Evangelists, depose and say, that the statements above by them respectively subscribed, are just and true, to the best of their knowledge and belief.

In faith of which I have hereto subscribed my name and affixed my seal of office, at Detroit, this second day of January A. D. 1830.

C. C. Trowbridge Notary Public.

[Indorsement]

1830)
Jany 2d.) Petition of Barnaba's Campau to the Sey. of War

JOHN H. KINZIE[349]* TO GOV. CASS.

[Smithsonian—Schoolcraft Papers—File Case A. No. 268.]

Fort Winnebago, Jany. 1st. 1831.

His Excelly.
Gov. Cass;
Sir,

I have the honour to transmit herewith, my account and vouchers for the Quarter ending December 31st. 1830; together with a Genl. abstract of all expenditures made by me during the year 1830—Abstract of Provisions issued to Indians during the same period—List of persons employed in the Indian Department at this place, and an Estimate of expenses required for this Sub-Agency, for the first quarter of the present year.

[349]A. L. S. John H. Kinzie, early resident of Chicago, and for a time Sub Agent and Interpreter there was at this time Sub Agent at Fort Winnebago, having been appointed in 1825. (J. S. F.)

*John H. Kinzie, born at Sandwich, Ontario, opposite Detroit, July 7, 1803, son of John Kinzie (or McKinzie), one of the first white persons at Chicago. For extended sketch of his life, with portrait, see Wau-Bun, Chicago, 1901.—C. M. B.

You will perceive that I have exceeded your estimate for salt, by $50, as that article cannot be delivered here for less than from $5.50 to $6.00 pr Bbl:, on account of the difficulty of transportation. I have set down $70. for one yoke of oxen, which I was obliged to purchase last fall, payable in the spring; one of my yoke of cattle having been entirely disabled and unfit for service, as I have already informed you in a former letter. The other sums set down, I hope will meet your approbation, as I shall, in all probability want to expend them, before the end of 2d. quarter.

Very respectfully, Sir,
Yo. Obt. Sevt.
Jno H Kinzie,
Sub Agent.

[Indorsement]

Jany. 1st. 1831.

From, John H. Kinzie

Transmitting his a/. and vouchers etc. for the Quarter ending Decr. 31. 1830.

[In pencil]

The letter to Jno is not in the Office—The estimate for the 1st—qr this year was probably sent with Boyd to Washington but the letter of advice to Dept is missing—There is an abstract on your table of the Amts estimated for *by the Agents*—

L. CASS TO JOHN ALLEN, REGISTER OF PROBATE OF WASHTENAW COUNTY.[350]

[Library of Congress—Schoolcraft Papers—1831.]

Detroit Jany. 19. 1831

Sir,

I enclose a copy of a letter from Mr Porter, concerning the mode of transacting business in the register's office of Washtenaw. I am aware that the evils compla[i]ned of occurred in the time of your predecessor, and I therefore forward this document, not because the charge affects yourself, but because I am desirous, if the facts are incorrectly stated,

[350] Draft, endorsed, "concerning the neglects in the office of register of Probate of Washtenaw." (J. S. F.)

that in justice to the late register, this should appear; and if they are not, that similar delays may not, as I presume they will not, occur.

Very etc

John Allen Esq
register of Probate
Ann Arbour

[Indorsement]

E.
Jany. 19. 1831
To John Allen, concerning the neglects in the office of register of Probate of Washtenaw.

L. CASS TO SECRETARY OF WAR.[351]

[Library of Congress—Schoolcraft Papers—1831.]

Detroit Feby. 25. 1831

Sir,

It affords me great pleasure to transmit you the enclosed resolution of the Legislative Council of this Territory, and to request, that you would present it to the President of the United States. We are, to be sure, a distant and comparatively unimportant community, nor is our feeble testimony of any consequence to the general government. But we claim to have some knowledge of the condition and feelings of the Indian tribes, who live around us and among us. And we know, that the treaty, recently concluded, at Washington, between the Menomonies, by which an important cession has been made to the United States, the difficulties between that tribe and the New York Indians adjusted,[352] and the peace of the Nortwestern frontier secured is one of the most important events, which has ever occurred for the North Western frontier. And what renders it the more gratifying is, that it has been affected by the voluntary interposition of the government, without any application from the Ci[ti]zens of the Territory, and without a previous appropriation by Congress. Thereby demonstrating, that the government is impartial in its efforts to secure the welfare and promote the prosperity of the whole

[351]Draft. John Henry Eaton of Tennessee was the warm personal friend and admirer of Jackson, and was rewarded by appointment as Secretary of War in 1829. On June 18, 1831, he married Mrs. Timberlake, and the ladies of the other cabinet members refusing to call on her, he resigned. It was into this vacancy that Governor Cass stepped, being appointed Aug. 31, 1831. (J. S. F.)

[352]Cf. *Wis. Hist. Colls.* IV, 291-335; *Indian Treaties* (1837) 466. (J. S. F.)

Union, without reference to geographical distinctions or political influence. For they have obtained for us unasked for, who have neither of these claims, what they have been striving to obtain for some of the States, who may urge the faith of compacts, as well as other paramount considerations, in favour of the demands they have urged for the removal of the Indians.

I am happy to say, that the result is one, which gives high gratification to our Citizens. They see evinced a wish to be liberal to the Indians, and at the same time a wise foresight and a generous policy towards the Territory. I have the honour to forward one of the papers printed here, by which you will see the feelings, with which this subject is regarded. I have no idea the object could have been effected, out of the immediate influence of the govt.

Very etc

Hon. John H. Eaton—

[Indorsement]

E. D

Feby. 25. 1831

To the Secy of War conveying the resolutions of the Legislative Council, concerning the treaty with the Menomonies.

L. CASS TO THE PRESIDENT.[353]

[Library of Congress—Schoolcraft Papers—1831.]

Detroit Feby. 25. 1831

Sir,

It is with much gratification, that I do myself the honour to transmit to you, the accompanying resolution of the Legislative Council of this Territory. Not that our approbation is of the least consequence to you, or to the character of your administration. But as the measure alluded is the most important event for the present security and ultimate prosperity of the Northwestern frontier, which has occurred since the late war, and as its accomplishment has been as unexpected as it is gratifying, I

[353]Draft.

trust you will not deem this expression of the feelings of the Legislative Council and of their constituents improper nor obtrusive.

Very respectfully,
Sir,
I have the honour to be
Your obt servt

General Andrew Jackson
President of the United States

[Indorsement]
E. D.
Feby. 25. 1831
To the President, forwarding a resolution of the Legislative Council.

CIRCULAR LETTER TO JOHN ANDERSON AND OTHERS.

[Library of Congress—Schoolcraft Papers—1831.]

(Circular)[354]

Detroit March 12. 1831

Sir,

You will receive herewith the copy of an act of the Legislative Council, for the improvement of certain roads, and a commission, appointing you to superintend the improvements upon the road from [blank in Mss. .....]

The amount appropriated for this improvement is $ [blank in Ms][355], which you will spend in your discretion, whenever, within the limits prescribed by the act, you may think the publick interest requires it. This may be done by contract, or by hiring, as you may judge proper. I trust whatever you do will be effectually done, and as economically as possible.

The money will be paid from the Treasury upon the warrants of the Auditor, who will issue them upon accounts, duly made out and certified by you, stating specifically the work done or materials furnished.

Very etc
L. Cass

[354]Draft. See following letter.

[355]The amounts appropriated for the respective roads were as follows,—for the Saginaw road, not over three hundred dollars, for the Chicago road, not over five hundred, the Detroit-Ohio road, not over two hundred, and for the Fort Gratiot road, not over one hundred. Each agent was to receive not exceeding *fifteen dollars* compensation for his services. (J. S. F.)

To John Anderson
Samuel Stackhouse
John W. Hunter
Israel Center.

[Indorsement]

E. D.
March 12. 1831
To John Anderson
Samuel Stackhouse
John W. Hunter

Israel Center, concerning the repair of certain roads.

L. CASS TO AUDITOR OF THE TERRITORY.[356]

[Library of Congress—Schoolcraft Papers—1831.]

Detroit March 12 1831

Sir,

The following persons have been appointed Agents for the improvement of certain roads, under the act of March 3. 1831.

John W. Hunter,[357] for the improvement of the Saganaw road.

John Anderson, for the improvement of the road from Detroit to the Ohio line.

Samuel Stackhouse, for the improvement of the Chicago road.

Israel Center for the improvement of the road from Detroit to Fort Gratiot.

The following extract from the instructions to these persons will guide you in the settlement and payment of the accounts.

"The money will be paid from the Treasury upon the warrants of the Auditor, who will issue them upon accounts, duly made out and certified by you, stating specifically the work done or materials furnished."

Robert Abbott Esq
Auditor of the Territory—

Lew Cass Very

L. Cass

[Indorsement]

E D
March 12. 1831
To the Auditor, concerning the disbursement of monies for certain roads—

[356]Draft.

[357]Captain John W. Hunter came from New York to Detroit soon after the close of the War of 1812. He was one of the first settlers of Oakland County and before going there is said to have cast the first iron plow made at Detroit. In 1829 he established a foundry at Birmingham, Mich., formerly Hamilton. He was active in public duties and earnest in forwarding all means of self-improvement, being an early member of the Young Men's Society of Detroit. *Mich. Pion. and Hist. Colls.* III, 573-576; XII, 362, 401. (J. S. F.)

L. CASS TO MAJ. GEN. WILLIAMS.[358]

[Library of Congress—Schoolcraft Papers—1831.]

Detroit March 14. 1831

Sir,

I have the honour to inform you, that John E Schwarz has been appointed Adjutant General of the Militia of the Territory. You will please to announce this appointment in orders.

Very

Maj. Gen. Williams

[Indorsement]

E. D.

March 14. 1831

To Gen. Williams announcing the appointment of J. E. Schwarz as Adjutant General.

L. CASS TO JOHN H. FARNHAM.[359]

[Library of Congress—Schoolcraft Papers—1831.]

Detroit March 31. 1831

Sir,

I have had the honour to receive your letter of the 22d ulto, announcing my election as an honorary member of the Indiana Historical Society. For this manifes[ta]tion of their regard, I will thank you to tender my acknowledgments to the Society.

I shall be happy to furnish any aid in my power towards the attainment of the objects, which you have in view. And should my other duties

[358]Draft.

[359]Draft. The Indiana Hist. Soc. was organized Dec. 11, 1830, two years subsequent to the organization of the Michigan Hist. Society. John H. Farnham was its moving spirit, and was chosen first Corresponding Secretary. The Indiana Historical Society, like its predecessor in Michigan, became inactive after a very promising start, exhibiting few signs of life for many years after 1835. *Ind. Hist. Soc. Publs.* Vol I, No. 1, pp. 5-16. (J. S. F.)

leave me any leisure to devote to the subject, within a reasonable time, I will endeavour to comply with your request.

Very etc

John H. Farnham Esq
Corresponding Secy. of the In. His. Society.
Salem
Indiana
[Indorsement]
P.
March 31 1831
To Mr Farnham.

L. CASS TO SECRETARY OF WAR.

[Library of Congress—Schoolcraft Papers—1831.]

Washington April 21. 1831

Sir,

At the last session of the Legislative Council of the Territory of Michigan, a new brigade of Militia numbered the third brigade was created.[360] Allow me to present for the consideration of the President the name of Joseph W. Brown, as a proper person to be appointed to the office of Brigadier General of the Militia. He is the eldest Colonel, of the line, living within the Brigade, and has now the command of it. He is besides a most valuable officer, and respectable citizen.

Very etc

J. H. Eaton
Secy of War.
[Indorsement]
E. D.
April 21. 1831
To the Secy of War recommending J. W. Brown for the appointment of Brigadier General in the Militia.

[360]Draft. The brigade district had for its limits the county of Lenawee, and all that part of Michigan lying west of Lenawee and Washtenaw counties as they then were. *Terr. Laws* III, 870. (J. S. F.)

L. CASS TO POSTMASTER GENERAL.[361]

[Library of Congress—Schoolcraft Papers—1831.]

Washington April 22. 1831

Sir,

Having ascertained, that James Abbott Esq, Postmaster at Detroit,[362] has been removed, and knowing him to be a faithful officer and respectable citizen, and having besides a strong personal regard for him, I take the liberty of inquiring, whether he was removed for any cause, affecting his character as a man or an officer.

Very respectfully

Hon. W. T. Barry
Postmaster General,

[Indorsement]
E D
April 22. 1831
To the Post Mas. Genl. concerning the removal of Mr Abbott.

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[361]Draft. W. T. Barry of Virginia succeeded John McLean of Ohio as Postmaster General, Mar. 1829. McLean had been without doubt the most efficient head the post office department had up to that time. Col. Thos. L. McKenney gives the following account of his removal, which may explain Abbott's removal. "A time came, at last when Mr. M'Lean was considered a stumbling block in the way of party. The 'reward' and *punishment* system was to take the place of qualification, patriotism and experience. Personal rewards, and not the public good, had now become the practice of the government. The friends of General Jackson were now to be 'rewarded' and those who were not 'of his party' were to be 'punished.' But how, it may be asked, could this system affect Mr. M'Lean? Was he not favorable to the elevation of General Jackson? The general impression was, that he favored the result. Then why was he moved upon. Because, I answer, he declined to make the General Post Office an instrument of party; and to become an executioner, and chop off heads as he might be commanded. To the question asked of a member of the Hickory Club in Washington, What are you going to do with Mr. M'Lean? the answer was 'Damn him, we'll bench him.'" Accordingly he was appointed justice of the U. S. Supreme Court. McKenney, *Memoirs and Travels*, pp. 53, 54. (J. S. F.)

[362]Had been postmaster since 1806. John Norvell, his successor, came to Detroit from Philadelphia, where he had for sixteen years edited a democratic paper. James Abbott held office till the arrival of his successor in May, 1832. See Life and Times of John Norvell in *Mich. Pion. & Hist. Colls.* III, 141. (J. S. F.)

L. CASS TO O. B. BROWN[363]

[Library of Congress—Schoolcraft Papers—1831.]

Washington May 3. 1831

Sir

In the conveyance of the mail from Cleaveland to Detroit, a day might easily be gained. The mail is four days between those places, and one day it is carried but thirty two miles, and seven of these are added in consequence of the circuitousness of the route. I beg leave to urge, that arrangements may be made, as speedily as the convenience of the department will permit, for conveying the mail in three days from Cleaveland to Detroit. The route should be changed from Milan, through Bloomingville to Lower Sandusky the proper direction, and not by Norwalk and Monroe. These places are off the line and should be accomodated by a special mail

From long experience I am satisfied that all packages destined from the Lake Country should be sent to Pittsburg for distribution. We should gain two days by this arrangement. From here to Baltimore and from there to Chambersburg would be the proper direction.

I found along the whole route from Detroit to Pittsburg, with but few exceptions a total inattention to the provisions of the contract, respecting the mode of transportation. As it is not my wish to injure any one, but to provide a future remedy for the evil, I shall not report facts or manes [sic] to you. But I would suggest the expediency of the different Post Masters being called upon, from time to time to report all failures of this description. This is the only security for the public interest. And in future, I trust, that there will be no cessation of the stages in the winter. Their [sic] is no necessity for such an indulgence. In the hands of effici[e]nt men, they could be kept running all the time

---

[363]Draft, endorsed,—"Respecting the state of the mail routes." Rev. Obadiah B. Brown was for many years connected with the post office department. At this time he was chief clerk of the Third Division, having in charge the regulating and adjusting of mail routes and their connections; the times of arrival and departure of mails; the frequency of their trips and conduct of contractors and carriers; arranging, preparing and advertising mail routes and in general, having charge of matters connected with transportation and distribution of mail. *A. S. P. Post Office*, 315. (J. S. F.)

A daily mail from Cleaveland to Detroit would greately [sic] promote the public convenience

I am Sir respectfully
Your Obt Se[r]vant

Rev. O B. Brown
Gen. Post Office

[Indorsement]
E. D.
May 3. 1831.
To the Rev. O. B. Brown. respecting the state of the mail routes.

L. CASS TO W. A. FLETCHER.[364]

[Library of Congress—Schoolcraft Papers—1831.]

Detroit June 6 1831

Sir

The question whether Justices of the peace, whose terms of service expire in the recess of the Council, can hold over, under the act providing for the continuance in office of certain officers until their successors are appointed, has been presented for my consideration. As the construction now to be given, may affect acts already done, I am desirous that the subject should be fully considered, and I have therefore to request your opinion, together with the reasons for it—

I am Sir
respectfully
Your obdt. servt.

W. A. Fletcher Esq
Atty General

[Indorsement]
E. D
June 6. 1831
To the Atty Gen. requesting his opinion, respecting the construction of a law.

[364]Draft.

S. S. HAMILTON TO GOV. CASS.

[Smithsonian—Schoolcraft Papers—File Case A. No. 374.]

Department of War,
Off: Ind: Affairs,
8th. June, 1831.

To His Excelly.
Lew: Cass.
Detroit, Mn. Ty.

Sir,

I am directed by the Secretary of War to inform you, that Mr. Edward's[365] duties as sub agent at the Carey Missionary Establishment are to be considered as having ceased with his acceptance of the appointment of Register of the Land Office,[366] which was confer[r]ed on him; and that the vacancy so created will not again be filled.

Very respectfully, Sir,
I have the honor to be,
Your mo: Obedt. Servt.
Saml. S. Hamilton

[Indorsement]

I. D.
June 8. 1831
from the War dept. concerning the Sub Agency at St. Joseph.
free [Address]
J. H. Eaton

Dept. of war, Off: Ind: Affrs.
Saml. S. Hamilton

To His Excelly.
Lewis Cass.
Detroit,
Michigan Ty.

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[365]A. L. S. Major Abraham Edwards of Detroit, president of the first Legislative Council. For biographical sketch see *Mich. Pion. & Hist. Colls.* V, 373-375. (J. S. F.)

[366]In 1831 the land office at Monroe was, by act of Congress, moved to White Pigeon. Major Edwards in 1828 had moved to Edwardsburg, and when in 1834 the Land Office was moved from White Pigeon to Kalamazoo, he moved to the latter place. (J. S. F.)

L. CASS TO CYRUS W. FISHER.

[Library of Congress—Schoolcraft Papers—1831.]

Detroit June 14. 1831.

Sir.

I have received your letter, addressed to the Secretary of the Territory,[367] who has left here for Washington.

There are no funds, provided by the United States or the Territory which can be applied to the repair of the bridge over Swan Creek. The Supervisors of the County are the proper authority to have this done, and at the county expense. I presume they will, on application, take immediate measures to effect it, as it is certainly a case where great public inconvenience will result from delay. I would advise you to apply to them.

Respectfully etc

Cyrus Fisher Esq.

[Indorsement]

E.

June 14. 1831.

To/

Cyrus Fisher.

Bridge at Swan Creek.

ROBERT IRWIN TO L. CASS.

[Smithsonian—Schoolcraft Papers—File Case A. No. 82.]

Green Bay June 14. 1831.

Dear Sir.

By Mr. Kinzie[368] you will be informed of the progress we have made with his buildings at the Portage, which are nearly completed, at least as far as he seems desirous they should be at present; you have probably been advised that at his suggestion we enlarged the plan for the Inter-

[367] Draft. John T. Mason of Va., father of Stevens T. Mason, appointed to succeed James Witherell, May 20, 1830. He was Acting Governor from Apr. 4, 1831, at which time Gov. Cass left for Washington, until he returned, May 27, 1831. Mason resigned when he reached Washington, and his son, Stevens T. Mason was appointed Secretary of Michigan Territory, July 12, 1831. (J. S. F.) See also *M. P.* N *Hist. Coll.*, Vol. XXXV, 605-609.

[368] A. L. S. See note 349. John H. Kinzie, sub agent at Fort Winnebago. (J. S. F.)

pretors house from what was contemplated last Summer, for which he agreed to allow me one hundred and fifty dollars in addition to the sum of three hundred and fifty dollars, originally agreed upon between us, for that building together with the blacksmith shop; consequently the claim I shall have on the Department, will be five hundred dollars;—notwithstanding this may seem to be a large sum, but I do assure you it has been a very hard bargain for me, the bill of expense already exceeds seven hundred dollars. Now considering all circumstances, I would respectfully and earnestly offer you my petition for a further allowance; I should not ask it, were my circumstances such as to enable me to bear the loss, which I will eventually sustain; and as there appears to be funds enough at your disposal to cover the additional expense to me, without seriously prejudicing other interests, I confidently hope you will answer my petition, I have intimated to Mr. Kinzie my intention of making this appeal, and the only objection I anticipate from him, will be that it may curtail in too great a degree, the sum which he intends to apply in the erection of his dwelling house; however I trust you will be able to remove that objection

As it is my present determination to avail myself of the next boat which is expected in July, to leave for New York, I should hope Mr. Kinzie may be authorised to settle the business with me on his return, and to draw for the amount you may allow:

Col Stambaugh[369] and his Indians have arrived, they all seem pleased to get back, as there has been no formal communication made to the tribe of the result of their mission, I am unable to say how far it may be approved; by them, altho I am induced to believe that the treaty will be well receved by the Menomonies; as well as a majority of the inhabitants; I was gratified to hear you speak in such flattering terms of Col Stambaugh,[370] as a report had reached here a short time previous to his arrival that a serious misunderstanding existed between you and him; which distressed me very much. Prepossessed in his favour from what intercourse I had with him last fall, I felt an ardent wish to continue this friendly feeling, but I was apprehensive this might lead to a breach up of it:—I believe that my fears are now entirely removed, as I have not heard a word from him that would lead me to suppose he entertained any other than the most friendly feeling towards you.

---

[369]S. C. Stambaugh, appointed by Jackson special agent to the Menominees at Green Bay, had negotiated a treaty with them at Washington, Feb. 8, 1831. (J. S. F.)

[370]For a less favorable opinion entertained by Morgan L. Martin, see *Wis. Hist. Colls.* XI, 392.

Alexander[371] is now absent at Fort Winebago [sic], so soon as he returns I will make the explanation you have requested in relation to the appointment of auctioneer. please make my best regards to your family and for yourself my assurances

of sincere esteem

Robert Irwin Jr.

His excellency
Lewis Cass.

[Indorsement]

June 14. 1831 from Mr. Irwin, concerning his building for the In dept.

[Address]

Green Bay M Ty. Free
21 June 1831 Robert Irwin Jr. Post master.
To his excellency
Lewis Cass.
Detroit M. Ty.

S. C. STAMBAUGH TO GOV. CASS.[372]

[Smithsonian—Schoolcraft Papers—File Case A. No. 331.]

Green Bay, June 22nd. 1831.

Sir,

I enclose you the account, in duplicate, of Doctr. Bevins for professional services rendered in the Indian Department, under a contract with my predecessor, Major Brovoort, during the last half year of 1830. I believe Dr. Foot was paid *fifty* dollars for services the first half of that year, and I cannot conceive that it would be right to refuse payment to Dr. *Bevins* when he performed equal, if not more service than his predecessor. His Bill was not included in my account last year, because there were no funds placed at my disposal, and in your instructions you did direct him to be paid.

---

[371] Alexander Irwin, brother of the writer. (J. S. F.)

[372] A. L. S.

I can only add that Dr. B. has been very attentive, and has rendered essential service to the Indians.

I am with much respect,
Yr. Obt St.
S C. Stambaugh

His Excellency Govr. Cass)

[Indorsement]

I. D.
June 22. 1831.
from Col. Stambaugh forwarding the acct of
Dr. Bevins.

WM. HOUSER TO L. CASS.[373]

[Smithsonian—Schoolcraft Papers—File Case A. No. 328.]

Maumee 2d July 1831

Dr Sir

Being much in want of some money and thinking that probably Mr Loyds business may now be so far arranged; that the amt due me from the U. States as Blacksmith for the quarter ending 1st Apl. last can be paid, if so, will you please pay the amt. to the bearer Mr R A Forsyth of this place

and much oblige
Your Obdt Sevt
Wm. Houser

To,
His Excellency Gov L. Cass)
Detroit.
M, T,

[Indorsement]

I.

From, July 2. 1831
Wm Houser
Applyg for money due him as blacksmith at Maumee

[Address]

His Excy Govr. Lewis Cass
Detroit
M, T,

[373] A. L. S. Endorsed,—"Apply[in]g for money due him as blacksmith at Maumee."

L. CASS TO WALTER BICKER.[374]

[Library of Congress—Schoolcraft Papers—1831.]

Detroit June 29 1831

Dear Sir

On my return sometime since, I found your letter of April 14th which I have been prevented from answering by a press of other matter.

The claim to which you allude, is against what is here called the Detroit fund,* a tract of land granted among other objects for the purpose of enabling the Governor and Judges to erect a Court house and Gaol in this place. Many circumstances have occurred to prevent a final close of the trust, nor can I tell certainly, when it will take place. I trust, however, that in the course of this season or the next, it will be closed. In the meantime eventual payment is secured by the interposition of the Legislature, who have pledged the faith of the Territory for the redemption of the certificates issued.

With much respect
I am Sir
Your obdt Servt.

Walter Bicker Esq.

[Indorsement]
E. D.
Jany. 19. 1831
To Walter Bicker, concerning the state of the Detroit fund

S. S. HAMILTON TO L. CASS.[375]

[Smithsonian—Schoolcraft Papers—File Case A. No. 266.]

Department of War,
Office Indian Affairs
Sir, 6th. July, 1831.

With a view to prevent collisions in the issuing of orders, and to pre-

[374]Draft, endorsed,—"concerning the state of the Detroit fund." See previous references to this subject above in letters from Cass to A. Lawrence, and to E. Appleton. (J. S. F.)

*In 1806 Congress gave the Governors and Judges the Ten Thousand Acre Tract and the original plat of the town of Detroit to be disposed of for the benefit of the sufferers by the fire of 1805 and the building of a court house and jail. The proceeds from the sale of these lands was termed the Detroit Fund.—C. M. B.

[375]A. L. S.

serve a proper subordination among the officers of the Indian Department, the enclosed regulations have been adopted, and are transmitted, by direction of the Acting Secretary of War, for the information and government of yourself, and of the several Agents and Sub-Agents of your superintendency, to whom you are requested to communicate them.—

I am, very respectfully
Your Mo: Obt. Servt.
Saml. S. Hamilton

To His Excellency,
Lewis Cass,
Govr. etc.
Detroit.
Michigan Terrty.—

[Indorsement]
I. D.
July 6. 1831
from the War dept.
enclosing regulations.

JOHN TIPTON TO L. CASS.

[Smithsonian—Schoolcraft Papers—File Case A. No. 244.]

Indian Agency 10 July 1831

Sir,

Genl. Grover has arrived and handed me your letter of 28 and 30 of last month and drafts drawn by the Cashier of the Bank of Michigan upon John Ward and Co of New York for $33.640 to pay the annuity due to the Indians of this Agency for the year 1831. This sum will

probably exceed the amount required for that purpose.—I will remit the overplus to Mr. Owen[376] of Chicago as soon as these drafts are cashed.—

Yo. Obt. Servt

John Tipton

Indian Agent.

His Excellency

Lewis Cass.

[Indorsement]

I. D.

From July 12 1831

Jno Tipton

Acknowlg rect. of annuity drft for $33.640

[Address]

Logansport, [Ind.]

July 14,?

His Excellency

Lewis Cass

Detroit

M. T.

S. C. STAMBAUGH TO GOV. CASS.[377]

[Smithsonian—Schoolcraft Papers—File Case A. No. 251.]

Green Bay, July 12, 1831

Sir,

Your letter of the 12th. ultimo, requesting me to make certain enquiries, under a resolution of the Senate of the United States, passed March 2nd. 1831, respecting outrages commited by the Indians, etc. I will carefully and diligently enquire into the facts, and report them to you as soon as possible.

Very respectfully,

Your Obt. St.

S. C. Stambaugh

[376]A. L. S. Thos. J. V. Owen born in Kentucky, 1801, came early to Illinois, and was at this time Indian Agent at Chicago, succeeding Dr. Wolcott, who died in 1830. He continued in this office till 1833, was a member of the Illinois Legislature, of the first Board of Trustees of Chicago village, Commissioner of School Lands, and one of the Commissioners who conducted the treaty with the Pottawatomies and other Indian tribes, at Chicago in 1833. He died in 1835. John Tipton was in charge of the Wabash Agency. (J. S. F.)

[377]A. L. S.

His Excellency, Govr. Cass

[Indorsement]

I. D. July 12, 1831

From/

S. C. Stambaugh

Indian outrages

[Address]

Green Bay M. Ty

July 13 25.

His Excellency Lewis Cass,

Detroit,

M. T.

J. H. KINZIE TO GOV. CASS.[878]

[Smithsonian—Schoolcraft Papers—File Case A. No. 267.]

Detroit, July 15th. 1831.—

His Excelly:

Gov: Cass,

I have to acknowledge the receipt of Dr. L. Abbott's account, amtg. to $200. against the Indian department at Fort Winnebago, for professional services rendered by him to Indians in that vicinity, between Oct. 1. 1828, and Oct. 1. 1830.—

I consider the account reasonable and just, and respectfully recommend its allowance.

I am, Sir,

Yr. Obt. Sevt

Jno. H Kinzie

Sub-Agt. Ind. Affs:

[Indorsement]

I. D. 1831

July 15

from Mr Kinzie concerning Dr. Abbotts account.

[Address]

For,

His Exclly:

Gov: Cass

Detroit

M. T.

[878]A. L. S.

L. CASS TO CLERK OF ST. CLAIR COUNTY.[379]

[Library of Congress—Schoolcraft Papers—1831.]

Detroit July 15. 1831

Sir,

It has recently been stated to me, that your office is kept at your residence, thirteen miles from the County seat, and that the publick papers have been removed there. If this is so, the arrangement must be changed. The publick interest requires, that the duties of the office should be performed at the county seat, nor ought the papers, under any circumstances, to be removed from there. I must therefore request, if the complaint is well founded, that the practice may be changed, and that the business may be done and the papers kept at the place pointed out by law.

Very etc

James Fulton Esq
Clerk of St. Clair County

[Indorsement]

E D
July 15. 1831

To Mr Fulton, respecting his execution of the duties of County Clerk of St. Clair at a distance from the County seat.

E. A. BRUSH* TO HON. LEW CASS.

[Smithsonian—Schoolcraft Papers—File Case A. No. 97.]

Detroit Aug 30 1831.

To the Hon. Lewis Cass,
Secretary of War.
Washington City.

Sir.

I have the honor to submit herewith by request of Mr Campau, certain papers, substantiating a claim against the Chippewa Indians of Saginaw.

[379]Draft. James Fulton was a member of the Pontiac Company, and one of the founders of St. Clair. He donated land for the seat of justice and built the jail. *Mich. Pion. and Hist. Colls.* I, 442; IV, 349; VI, 406-410. (J. S. F.)

*Edmund Askin Brush a wealthy citizen of Detroit, son of Elijah Brush and grandson of John Askin, also very prominent citizen of Detroit. Edmund A. Brush died July 10, 1877.—C. M. B.

As will be seen by reference to the enclosed letter of Maj. Biddle,[380] it has already received the consideration of the Department, and its favorable decision, been made to rest on the production of an order from the Chiefs. That omission being now supplied, may I respectfully request the sanction of the Department, to a compliance, by the proper agent, with the terms of the order.

The circumstances connected with the claim, are stated in the accompanying petition; and being, I believe, for the most part within the knowledge of the Secretary of War, it is unnecessary, I presume, to advert to them more particularly.

I have the honor to be Sir
Very respectfully
Your obt St
E. A. Brush

1831)
Augt. 30) E. A. Brush
to the Secy at War enclosing the papers
of Barnabas Campau.

[380]A. L. S. Endorsed,—"To the Sec[retar]y of War enclosing the papers of Barnabas Campau." Lewis Cass laid down his duties as Governor of Michigan Territory, August 1, and took up his duties as Secretary of War, Aug. 31, 1831. The papers referred to may be found above viz.—Statement by L. Cass, Dec. 30, 1829, and Petition of Barnabas Campau, Jan. 2, 1830. (J. S. F.)

OREN MARSH.
First State Librarian.

BIOGRAPHY OF OREN MARSH, FIRST STATE LIBRARIAN.

BY C. M. BURTON.

Oren Marsh was born in Amity, New Hampshire in the year 1804. His grandfather Samuel Marsh, of Croyden, N. H., was a soldier in the French and Indian War of 1756-1763 and served in the company commanded by Capt. Ebenezer Larnard of Oxford, Mass., in the regiment of Col. Joseph Fry. Marsh was taken prisoner by the Indians at Lake George. He also served in 1760 in Capt. Hitchcock's company from Suffield, Conn. He had two sons, William and Samuel Marsh Jr.

Samuel Marsh Jr., although exempt from military duty, "considering the exigency of the times," volunteered to serve in a company of Home Guards. The articles of enlistment were drawn up at Plainfield during the War of 1812 and numerously signed. He was registered as a Master Mason of Corinthian Lodge No. 28, in Newport, N. H., in February 1818. Samuel Marsh Jr. had sons, Elam, Oren, Hesea, Ira, Langdon, and a daughter Pamelia.

Oren Marsh, son of Samuel Marsh Jr., attended the Military school at Norwich and after graduation came to Detroit in 1830 and soon became connected with the City Guards. This Military Company was organized in 1830 and took an active part in the tramp across the country to Chicago to protect that village from Black Hawk and his Indians in 1832. He was appointed Captain in the Michigan State Militia April 4, 1838. In 1828 the Mechanic's Society of Detroit received, as a donation, the lands now occupied by the McGraw Building on the Southwest corner of Griswold Street and Lafayette Avenue. The Society erected a two story building on this lot in 1834, a portion of which was occupied as a school room. The first teacher they employed was Oren Marsh, who opened school in October and taught one school year.

Friend Palmer in his early days in Detroit, (page 738) says this: "Another old timer kept school here. His name was Marsh. I never came under his tuition, but I did come under his instructions in Military discipline, as he was Captain of Company A, First Regiment, Michigan Militia, and when I was first warned to train, having arrived at the age of eighteen, I found that it was to be in his company. Well, he did have a time of it, and Captain Marsh put us through our paces good. He was a scholarly man and gave good satisfaction as a teacher."

He also held a commission dated Sept. 26, 1839, as Captain of Rifle-

men in first regiment, first brigade, first division "On Patriotic Service in Upper Canada." They were the soldiers in what was known as the Patriot war or Canadian Rebellion. The device which appears on the margin of the commission represents the American Eagle soaring aloft with the British lion in his talons. The commission is signed by E. J. Roberts as Adjutant General. The feeling of sympathy of the people along the border led many of them to assist the Patriots. Some of them doubtless were led by a desire to accomplish then what Judge Augustus B. Woodward attempted at the close of the War of 1812, that is, the annexation of Canada to the United States.

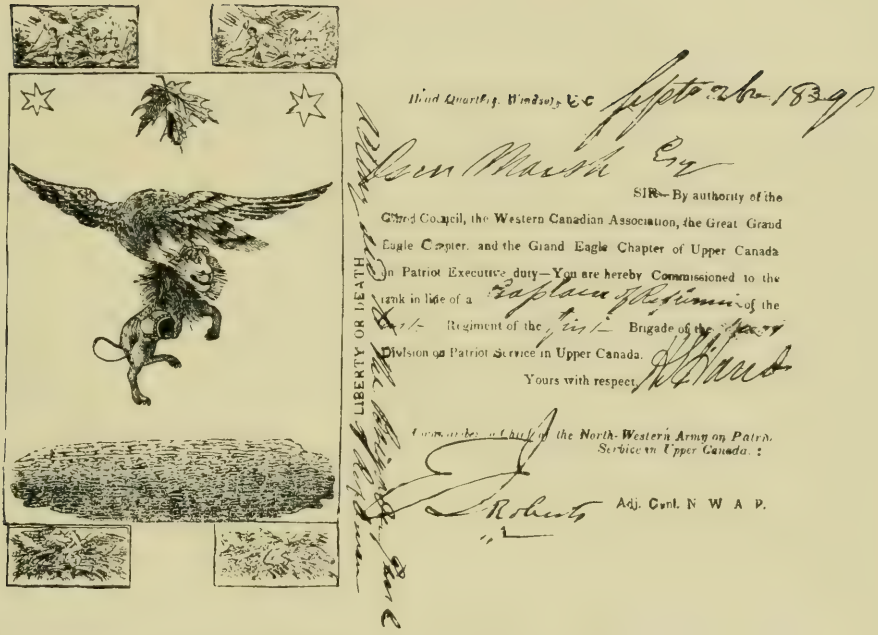
Woodward undertook to proceed with a negotiation to obtain this annexation as a settlement of that war. He did not succeed in his efforts and the Patriots, striving for the same object along other lines, failed likewise.

Under the constitution of 1835 it became necessary to appoint a Superintendent of Public Instruction for the State and Mr. Marsh was an applicant for the position. There were at least three persons who desired the place, John D. Pierce, O. S. Leavitt* and Oren Marsh. Leavitt not only felt himself entitled to it, but wrote that he as good as had the promise of it from Governor Mason.

Before this time Marsh had moved to Battle Creek and was there engaged in teaching, but among his old friends and acquaintances in Detroit he had circulated and signed the following petition.

> "To His Excellency, Stevens T. Mason, Governor, and to the Hon. the Senate and House of Representatives of the State of Michigan.
>
> The Petition of the undersigned citizens of the State of Michigan, inhabitants of the County of Wayne
>
> Respectfully sheweth
>
> That your petitioners are desirous that Oren Marsh Esq. of Calhoun Co., be appointed to the situation of "Superintendent of Public Instruction" for the State of Michigan, in pursuance of the 10th Article of the Constitution of said State. We have been long acquainted with Mr. Marsh and believe him to be a man of honor, integrity and industrious habits, and well qualified in

*(Note. See his letter in *Mich. Pion. & His. Colls.* XXXV, page 298.)


LIBERTY OR DEATH
Head Quarters, Windsor, U.C.
SIR.—By authority of the
Grand Council, the Western Canadian Association, the Great Grand
Eagle Chapter, and the Grand Eagle Chapter of Upper Canada
on Patriot Executive duty—You are hereby Commissioned to the
rank in line of a
of the
Regiment of the
Brigade of the
Division on Patriot Service in Upper Canada.
Yours with respect,
Commander in Chief of the North-Western Army on Patriot
Service in Upper Canada.
Adj. Genl. N. W. A. P.

CAPTAIN'S COMMISSION, OREN MARSH, PATRIOT WAR.

other respects to perform the duties of said office, and do recommend him accordingly.

And your petitioners will ever pray,

A. S. Calhoun
Garry Spencer
Henry L. Whipple
Robt. McMillan
A. H. Stowell
Robert Hilton
J. L. King
John Wright
George B. Porter
H. B. Lothrop
E. S. Lothrop
T. K. Brown
Martin Storey

The choice fell to Rev. John D. Pierce, and to him has been given the credit of founding the Public School System of our State. No better system exists. From such documents as we have regarding Mr. Marsh it would appear that subsequent to the time of the above petition and appointment, he returned to Detroit, for he received his commission in the Patriot Army after the appointment of Mr. Pierce.

In 1841, he appears in the Legislative Manual as the first State Librarian. The State Library had, since the organization of the State, been under the charge of the Governor, and his private secretary was authorized to act as librarian without extra compensation.

In 1839 the Governor and Secretary of State were authorized to appoint a librarian during the sessions of the legislature, at a salary of not to exceed three dollars per day. It does not appear that any librarian was appointed until Mr. Marsh took hold, probably some time in 1839 or 1840. The library was quite small, but there was no catalogue of it, and he set about this work and had it ready and printed it in the Manual of 1841, together with the rules governing the use of the books. His appointment must have been under Governor Mason and possibly in compensation for failing to get the position of Superintendent of Public Instruction. He continued to serve as Librarian under Governor Woodbridge. His acquaintance and familiarity with Gov. Cass, Gov. Felch, Dr. Houghton, and other prominent men of his day, is evidenced by the correspondence with them.

The biographer of Dr. Douglass Houghton, after dilating upon the many merits of that noble man, or first State Geologist, says, "with such elements of strength and popularity, it should not be surprising to learn that enthusiastic and eager friends were only too ready to bring his

name forward as a candidate for the highest office in the gift of the people of Michigan." His fitness for the position of Governor was well known. Marsh as a leader of the Democracy of Calhoun County was eager to push his name forward in the Spring of 1845 and wrote him on the subject. The reply of Dr. Houghton is worthy of reproduction here to show the nature of the man and the importance he attached to the proposal as coming from Mr. Marsh.

Detroit, April 8, 1845.

Dear Sir,

I feel much obliged for your kind letter which would have been answered long ago had I not hoped to have visited you before my departure for the words, but as it now is I despair of traveling westward until I shall return from my surveys. I am now nearly prepared for my departure, and shall be engaged in most laborious duties, separated from all civilization for several months. The task before me would be more than I could be induced to attempt for mere pecuniary consideration, which in fact has nothing to do with the matter, for I take the field with higher motives and motives which I feel assured you can fully appreciate. The surveys under my charge have been conducted under circumstances deeply embarassing to me, but I hope in the end to complete them in a manner that will be satisfactory to the people of our State as well as to myself. Your allusion to myself in reference to an important State office and your kind feelings, you may rest assured I fully appreciate. How my name came to be used in connection with this office is beyond my knowledge, for most certainly it is an office which I have never sought, and not until very recently have I supposed that our party desired anything of the kind, but I am now satisfied that in many of the counties of our state such disposition has been made manifest. All that I can say in relation to it is that I do not wish anything of the kind unless it be with the hearty concurrence of our party, and by this feeling fairly and honestly expressed. Let us harmonise [sic] and conciliate so that we shall be certain of success in our Fall campaign, but let us do nothing which would serve in the least to distract the party.

Should the party see fit to nominate me to that office I trust that it will be done in no other way than with the entire concurrence of the party and in such a way as to unite the whole party. I do not look for anything of the kind, nor should I be disappointed if it should not be done, and I can only say to my old friends, among whom you are numbered, that during my absence I leave myself in your hands to do as you

like, feeling assured that you will do nothing which will not be for the interests of our party or for the interests of the whole state.

My surveys during the coming summer will be in the country, south of Lake Superior and I hope to be able to leave for that country as soon as the first of May. Shall be much gratified to hear from you whenever you may find it convenient to write

Yours truly

D. Houghton

O. Marsh Esq.
Battle Creek,
Mich.

A few days later he wrote to Mr. Marsh,

"I will probably leave for Lake Superior on the 3d of May next and shall be absent a long time."

Indeed he was absent a long time—for this ill-fated trip was the last. On the night of the 13th of Oct., 1845, in attempting to perform a perilous duty in a storm on Lake Superior, his boat was overturned and he was drowned.

In the latter part of 1846 some members of the cabinet of President Polk desired to stop the progress of the Mexican war and sit quietly on the country already invaded and await events. This plan was not acceptable to the President and he proposed to push the conflict to a conclusion. The opposition refused to call for volunteer troops from the State. Oren, as an officer in the militia, was exercised on the subject and wrote feelingly to Cass, who was then Senator, and received the following reply.

Washington, Jany. 7, '47

Sir:

I have just received your letter, and hasten to inform you that the delegation of the State in Congress has addressed a letter to the Secretary of War requesting him to call into service one regiment of volunteers. We have expressed our hopes in very decided terms and have stated that as Michigan does not yield in patriotism to any of her sister states exclusion from all opportunity of practically showing it during this war would be exceedingly unpleasant to the people of that State, and painful to their delegation in Congress. I shall see the President and Secretary of War tomorrow in order to add my personal efforts to

this application. If I am unsuccessful it shall not be for want of exertion.

I am sir,
Respectfully,
Your obt. servt.
Lew Cass

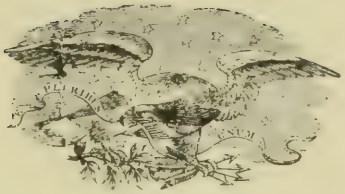
Capt. Oren Marsh.

The representations of Cass and his delegation and the solicitations of others who were interested were sufficiently strong to prevail upon the President to call for ten regiments of volunteers and a few days the Michigan Legislature voted ten thousand dollars towards the expense of the one regiment alloted to the State. There was much trouble at first in getting the volunteers to fill the Michigan regiment. Offices for enlistments were opened all over the State, but as no one knew how the officers were to be chosen, the enlistments were unsatisfactory until the State took charge of the matter, and designated the various commissioned officers and then things ran along smoothly. There is no evidence that Marsh accepted an office, but it appears that he left the State either because of ill health or that he was taken ill while abroad. In July of the next year (1848) he wrote to Gov. Alpheus Felch, who was then a United States Senator and received the following reply.

"Senate Chamber
July 14, 1848.

Dear Sir:

Your favor of the 3d inst. is just received. I am glad to hear of your return to Michigan but regret to hear that your health is not good. I hope you will find it improving constantly until your health and vigor are fully restored. The political atmosphere does indeed appear to be troubled, but still, so far as we can learn from all quarters of the nation, the prospect for Cass and Butler is good. The subject of Free Soil is, we all know, attracting much attention at the north particularly, but we should remember that there are other matters at issue also in the approaching contest. If any action of our friends should aid to defeat our candidate and allow the whigs to triumph—a bank—a protective tariff—an extensive scheme of general internal improvement, would surely follow. It is in vain for the whigs to deny their affection for those old measures of theirs. Give them the power and they will give us all these. Before helping lead off into opposition to the regular Democratic nominees by



STEVENS T. MASON,

GOVERNOR IN AND OVER THE STATE OF MICHIGAN:

To all who shall see these presents—Greeting:

Know Ye, That, reposing special trust and confidence in the patriotism, valor, fidelity and abilities of *Oren Marsh* in the name and by the authority of the people of the State of Michigan, I DO HEREBY APPOINT him *a Captain* in the Militia of the said State; and he is hereby carefully and diligently to discharge the duties of *a Captain* of the *First* Division *First* Brigade *First* Regiment (A) Company, by doing and performing all the duties thereunto belonging. And I do strictly charge and require all **Officers** and **Soldiers** under his command, to render to him the orders as *Captain* And he is to observe and follow such orders and directions from time to time as he shall receive from the PRESIDENT OF THE UNITED STATES OF AMERICA, the Governor of the said State, or his superior Officer set over him, according to law. This **Commission** to continue in force during the pleasure of the Governor of the said State for the time being.

In Testimony Whereof, I have caused these Letters to be made Patent, and the great seal of the State to be hereunto affixed.

Given under my hand at Detroit, this Seventh day of *April* in the year of our Lord one thousand eight hundred and thirty eight and of the Independence of the United States of America the sixty second.

BY THE GOVERNOR.

Edwards Mannering
Secretary of State

Stevens T. Mason.
Governor of State

J. C. Schwarz
Asst Secretary of State

CAPTAIN'S COMMISSION FOR OREN MARSH, 1838.

any feeling in favor of one particular subject—however important it may be—we shall look well to the consequences. Mr. Van Buren cannot hope to secure an election. Can he receive the vote of a single state? If by chance he should carry New York, is there another state which he can ever presume it possible to carry? If so I do not know which it is. The question as to the extension of slavery on the newly acquired territory we are already to meet at any moment, but we do not feel satisfied with seeing any man attempt to distract the democratic party and to aid our opponents under the name of the principle involved in the question. Be assured that much harm will be done and no good can come of new party divisions and subdivisions. We all regret that Mr. Van Buren, whom we have all delighted to honor, who has taught us the necessity of abiding the decision of a national convention—for whom, on that ground we have all fought and with whom *some* of us were defeated in 1840—that we should allow his name to be used to produce distraction.

I do not deem it necessary or expedient for a man to join this faction on account of any feeling, however strong against the extension of slavery. Many of the most ardent friends of free soil look upon the measure as suicidal, as tending only to give us a whig and slave holder for president. If this should be done Southern men will surely fill the offices for the next four years and the slave holding influences will control everything. Would not this be a loss—an immense loss to the cause such men have most at heart? Surely it would. But with a northern president the case, it is evident, will be entirely different. We should look well my dear Sir, before we take a step which hazards so much, and which may cause divisions and distractions that will prove highly injurious to our country and to the cause of humanity. Michigan, I am certain will nobly do her duty and her whole duty.

I should be very happy to avail myself of your polite invitation to visit you with my family. It is however uncertain whether I shall be able to do so. The vacation will be so short that I shall be very busy during the time at home. It is possible however that I may go out to the western part of the state, and if so shall not fail to see you, if in my power. The prospect for an early adjournment is not very bright. We hope, however, to get away early in August.

In great haste

Very truly and Respectfully

Alpheus Felch.

O. Marsh Esq.

As Mr. Marsh's health did not improve he resolved to seek another climate than Michigan, hoping that the change might benefit him. The discovery of gold in large quantities in California had created great excitement in the East, and indeed all over the continent. People were rushing to the gold fields in great armies—every one was excited. It is no wonder that Marsh became excited with others and then he had the additional motive for seeking the new state, that there was a possibility of restoring his health.

On Christmas day of this year, 1848, he applied to Senator Felch for his advice on the plan to seek California. The characteristic reply of Mr. Felch was as follows:

"Washington, Jany 17, 1849.

My Dear Sir,

Your favor of the 25th ult. after being delayed some time on the way, is at length received. The *Gold Fever* seems indeed to be burning up the country. For my own part I was never carried away much by these golden visions of new regions and of recently discovered wealth. If the gold was twice as plenty in California as it is, I should not hesitate to say to the cultivators of the soil in Michigan, that their employment is a better, a safer, and a more lucrative employment than all the gold digging. They cannot make a change for the better. In regard to yourself in particular and your plan of emigration there may be different considerations involved. In the first place health—without which life is a burden—if that will be promoted by the changes of climate that is a strong inducement to go. Again your plan of farming, instead of gold hunting, is a good one. The plough, the hoe, and the scythe will bring more wealth even in California in my opinion, than gold *placers*. But in making up your mind about emigrating you must remember it is a new country and the hardships, delay and discouragements of a new country will all be found there. You know well what they are and can therefore test in advance your readiness to encounter them. I can say nothing more on the subject. My advice would scarcely be worth writing upon paper.

As to information on the subject the papers of the day are full of accounts, some true and some false about the matter. I see that the New York Herald is about to publish an account of the different routes to that country. If I can procure one when published I will send it to you. Some persons go around the Cape—that is too long a voyage—most go by the steamboats and over the isthmus from Chagres to Panama. A friend

GOVERNOR AARON T. BLISS.

of mine told me the other day that he had bought steam boat tickets from New York to California. I think he said they cost him $350. (It is possible it might be $250. My recollection of it is not distinct.) This does not include the carriage across the isthmus. I send you all I have on the subject of information about the country—to wit; Emery's Report and Fremont's Memoir and map.

In haste
Very Respectfully
Your Obt. Servt.
Alpheus Felch.

O. Marsh Esq.
Battle Creek.

So Mr. Marsh became an Argonaut of '49. He lived in California ten years and then returned East and died in Valenco, Iowa, in 1872.

A few words more regarding the genealogy of the family and the sketch of Michigan's first State Librarian is at an end.

Stephen Voluntine married Martha, a daughter of General Samuel Clark of Saratoga. Elizabeth Jane Voluntine, a daughter of this marriage, was the grandmother of Gilbert L. Nichols, of Battle Creek.

Another daughter Harriet, married Oren Marsh in 1835. They had two daughters, Harriet and Martha. Martha married John M. Lewis, and is living in Pike Co., Missouri. Of this marriage there were three children.

AARON THOMAS BLISS.

A BIOGRAPHICAL SKETCH BY MAJOR HERBERT E. JOHNSON, SECRETARY TO THE GOVERNOR FOR THE YEARS 1901-2-3-4.

Aaron T. Bliss, governor of Michigan for the years 1901-2-3-4, was a man of affairs, accustomed to the solving of knotty problems, and his growth from boyhood years to those of maturity was sturdily rooted in the hard soil of experience. Faithful in service he became high in honors and praise stands silent in the dignity of his simple life from farmer boy to governor.

Like many another American his life is an incentive to ambitious effort and a spur to accomplishment for the reason that he did things. His indomitable will would not be withstood and he caught and held opportunity without waiting for it to call upon him. He was elemental in character and an analysis reveals a reverence for the moralities of life

so strong as to be an abiding conviction that could not be departed from. He had the keenest respect for the sanctity of a promise and his loyalty to friends was proverbial. During the long years of life that were his the taint of scandal was not upon him and he stood an honest man in the sight of his fellow men. He was quick to forgive and to forget, seemed almost incapable of harboring a grudge and even at those times in his political life when he was most bitterly assailed was charitable to his enemies, ascribing to them more worthy motives than the petty ones by which often they were governed.

As a citizen Mr. Bliss was distinguished for those qualities which mark the men most prominent in the upbuilding of the typical American community, being interested in affairs and taking an active part in all matters having to do with the common good. His was a considerable part in promoting the growth of the city of Saginaw, where he made his home, in multiplying its industries and adding to its beauties and its pleasures. Large as were his activities he was never too busy to be a good neighbor and friend and many there are who have had occasion to be grateful because of his kindly and generous heart. With his wife he dispensed an unstinted hospitality and their home was always a pleasant place to visit. Though children of their own did not come to them, they gave to the children of relatives the same tender care they would have given to their own and were never so happy as when the voices of childhood were heard about them. Whenever he saw a group of children or young people having a good time he was never satisfied until he had in some way contributed to their enjoyment.

As governor and as lawmaker Mr. Bliss was faithful in the discharge of the duties resting upon him and he had a high regard for the solemnity of his oath of office. During the trying days of his governorship, more than once when important and vexatious matters were being pressed upon him for a decision did he retire to his private room and upon bended knees ask Divine Providence for assistance and guidance. Such a man may make mistakes but his rectitude can never be assailed successfully nor his motives be impugned. His administration of the high office of governor of Michigan was without scandal among high or low and was marked by a great degree of economy and efficiency. His chief magistracy embraced four years of unbounded prosperity for Michigan, years when history was not made by lightning flashes but in contentment and the ingathering of the stores of plenty, a period of relief from strain and stress, long days when the state waxed strong and prosperity abode in her homes. A picture not so lurid as the blazing lights of war and con-

tention, but far more satisfying. He left state affairs in better condition than he found them and the general circumstances of his gubernatorial incumbency will give him high place among the names of those who have served the state well. He was a peace governor and gave to every interest of the commonwealth jealous care and attention, always mindful of the burdens of taxation and anxious that efficiency and economy should go hand in hand in the conduct of the affairs of state.

The history of the Bliss family is a long and honorable one, enriched with Puritan traditions and brave service for God and country on both sides of the Atlantic. It is written that the founder of the family came to England with William the Conqueror, receiving signal honors at the hands of the new king and it is entirely in keeping with the temper of this sturdy English ancestor that when the persecutions of the Puritans became so fierce, Thomas Bliss, the founder of the American branch, "desiring to serve God according to the dictates of his conscience, left the country of his birth and came to the new world," settling at Hartford, Conn., in 1635. His descendants followed the movement of population westward and so it came about that in the year 1837, two hundred years later, there was born on the 22nd of May a seventh child in the family of Lyman Bliss, who was a Madison county farmer in the state of New York, a child who was destined to become one of the governors of the state of Michigan which was then the youngest member of the federal union. Upon the lad were bestowed the family names of Aaron and Thomas and he grew to manhood, sharing the blessings and the sorrows of six brothers and two sisters. In those days the educational advantages of western New York were not what they are today, schoolhouses being few and far between, and the children of this large family were more than ordinarily handicapped in the task of obtaining an education. The little red schoolhouse on a neighboring hill was at once grammar school and university and there they qualified for a place among the thousands from other similar schools constituting the mightiest force that ever wrought for the progress of a nation.

The ambitions of a lad were impatient to become those of a man and life upon the farm for Aaron T. Bliss came to an end even before his boyhood had passed. As a boy he had dreamed of the large opportunities offered by the then almost unknown country of the middle west,but for years it was to be only a dream. At seventeen years his first chance for participation in the outside life came when he was offered a place as boy of all work in a grocery store in the little village of Morrisville near by. It is an interesting story, the man coming to the field where Father Bliss

and the boys were hoeing corn and asking for the bright-eyed lad who had attracted his attention while on errands to the store. The father objected, said he did not like to spare his son, but the boy said, "You know you have promised," and the father was never known to break his word. And so the future governor went barefooted from the field to the house to wash and dress and kiss his mother good-by, for he was always an affectionate boy and very fond of his mother. As is the boy so is the man and it is noted that years afterwards, when he had been nominated for governor and was led before the convention to acknowledge the honor, his first act was to kiss his wife. He remained in Morrisville nearly two years, working in the grocery store at three dollars a week the later part of the time, and when he left Morrisville for Bouckville, a village some nine miles away, he had accumulated the modest sum of seventy-five dollars. In his new home he engaged as clerk in the drygoods and grocery store of J. Burhans & Son, as a sort of protege of the uncle for whom he was named and who had an interest in the store, which later was known by the name of Burhans & Bliss. He was so employed when the civil war broke out and the president called for troops. His name was first upon the muster rolls of the Peterman Guards, which he was largely interested in organizing and which became a part of Company D of the Tenth New York Cavalry. The circumstance of his muster-in is evidenced by a bronze tablet, which many years after he caused to be erected in the little Methodist church in Bouckville and whereon it is recorded:

> "In this meeting house the following 24 members of Company D, Tenth New York Volunteer Cavalry, were sworn into the service of the United States, October 11th., 1861 for the Defense of the Union."

He aided in recruiting the company to its full strength and when it left Elmira for the front, he wore upon his shoulders the straps of a first lieutenant, having risen from a sergeancy. A year later Governor Seymour of New York had commissioned him captain for gallant conduct upon the field of battle. The Tenth New York served in the Army of the Potomac and was under Sheridan in the closing battles of the war. It took part altogether in 108 engagements and lost in killed and wounded more than 25 per cent of its men, and on the famous battlefield of Gettysburg its monument occupies a commanding position. Active service came to an end for Captain Bliss at the forks of a dusty country road in Virginia, known as Reams' Station. Here Wilson's troopers on one of their famous raids were brought to bay and so closely were they hemmed

in that it became a question of the sacrifice of the few that the escape of the many might be made. A call for volunteers brought Captain Bliss and 200 volunteers to the front, and so fiercely did they defend the rear of the escaping command, that when finally the Confederates broke through their hastily constructed entrenchments, only a few were left to become prisoners of war. Wounded with a spent ball, Captain Bliss was dragged away to southern prisons, but he had the satisfaction of knowing the fight had not been in vain and that Wilson and his men had escaped. While on the way to Andersonville prison with five others, he broke through the floor of the box car in which he was being transferred and made his way to the woods. Bloodhounds were put on their trail and it became a case of each man for himself. Double twist and turn as he would, the fleeing soldier could not shake the hounds off, and it was not long before Captain Bliss was compelled to take refuge in a tree, from which men with muskets dragged him down. Successively he was imprisoned in Salisbury, North Carolina, Andersonville and Macon, Georgia, and Charleston and Columbia, South Carolina.

He was in prison at the time of the re-election of Abraham Lincoln, and participating in the prisoners ballot he disregarded the jailer's warning that the election of Lincoln meant a continuation of the war, no exchange of prisoners, and a grave on the hillside for those within the rebel power. And as he cast the black bean which was the Lincoln ballot, the valiant soul within him made light of threats and he resolved on a bold strike for freedom. After several fruitless attempts, he made his escape from Columbia prison, November 29, 1864, and for 18 weary days and nights stumbled through the perils that beset him until on the morning of December 16, nearly starved, ragged and footsore, he entered Sherman's lines near Savannah. Being without means of identification, he was taken before General Kilpatrick, whose rough welcome at once dispelled all thoughts that he might be a spy. From the headquarters of General Sherman he went to rejoin his regiment which was at Petersburg, but his health had been so undermined that he was compelled to resign from the service in February, 1865.

Years later, when this same ragged prisoner of war had become governor of Michigan, accompanied by a staff, many of whom had seen service in the war of the rebellion, by committees of the house and senate, he visited once more the old prison stockade at Andersonville and dedicated the monument which the great Peninsular state had caused to be erected

in memory of her gallant sons who had died there. I know of nothing more touching that these words from the speech he made that day:

> "It seems as but yesterday that the stockade reared its head about these grounds and the dead line warned 'thus far and no farther.' I can see the dense masses of the prisoners and entering into their daily life, know, as only experience can know, the life of a prisoner of war. It is one thing to serve as a soldier in the field, to endure the privations of camp and march, to face the madness of battle and endure its carnage; it is another thing to be herded behind walls, whose never-sleeping eyes are loaded muskets, to exist beneath skies that are pitiless, dropping alternately scorching heat and the chill of rain, and to suffer day by day, to see death strike right and left, and to realize that one is helpless to do aught but endure it all as best one can: while outside the walls marches are made, battles are fought and deeds are done for home and flag."

The close of the war brought the day of which Captain Bliss had dreamed when a boy, when he might betake himself to the great west. The autumn of 1865 saw him in the Saginaw Valley at the beginning of his successful career as a lumberman, penniless but brave in spirit. He went into the woods and the foreman who gave him work started him driving horses. Often in the winter mornings he saw the snow on his blanket where it had drifted in through the cracks in the shanty which sheltered him and his fellows. Almost from those first days in Saginaw there walked with him the brave little woman known and loved the breadth and length of the state, she who was Allaseba M. Phelps, daughter of Ambrose Phelps of Solsville, Madison county, N. Y., and whom he married March 31, 1868. Those first days were very humble days indeed, the wife superintending the affairs of the mill boarding house while the husband as logging contractor and later for himself slowly but surely laid the foundations of the fortune which was to bless not only those to whom its stewardship was given, but many others. And as has been said by one who knew the wife well: "She was as tactful and helpful in those days as she was when the social duties of the wife of the governor of Michigan devolved upon her. No success came to Governor Bliss to which Mrs. Bliss did not contribute, and no one appreciated it or was more ready to acknowledge it than was the governor."

Captain Bliss was not one to long remain in the ranks and in the fall of 1866 formed a partnership with his next oldest brother, Dr. L. W.

Bliss, and Dr. J. H. Jerome, and lumbered a tract on the Tobacco river under the name of A. T. Bliss & Co. For many years the firm of A. T. Bliss & Brother was one of the large employers of the Saginaw valley and its name a familiar one to all those who sought wealth in the forests of Michigan. A history of its operations would bring into recital the names of most of the men that the Saginaw valley has made known to the lumber world and with whom relations of amity were sustained to the very end. In the early '80s Captain Bliss added banking to the list of his activities, being one of the organizers of the Citizens National Bank, of which he was president until it was merged in the Bank of Saginaw. He was one of the stockholders and directors of the Commercial National Bank and of the Saginaw County Savings Bank, of which institution he was president at the time he was elected governor. He was largely interested in many lines of business, but lumbering and banking were the principal enterprises to which he gave personal attention, except the one favorite pursuit of farming. Born the son of a farmer he never lost his love for the soil, and with his usual thrift made the farm pay, having under cultivation for years something like a thousand acres.

With the foundations of his fortune securely laid, known as a keen business man, and backed by a splendid record as a soldier, Captain Bliss was peculiarly available for political honors, and the ladder of preferment once placed at his feet he climbed it round by round until the highest station in the state was his. It was when business life was making most demands upon him that his fellow citizens of Saginaw first called him into service, in turn electing him alderman, supervisor and member of the board of education. As a memorial of his later services one of the school buildings of Saginaw bears his name.

In 1882 he represented the 25th senatorial district (Saginaw county) in the state legislature, in 1885 he was appointed aide on the staff of Governor Alger with the rank of colonel, and twelve years later came to him one of the honors which he esteemed the most, his election as Commander of the Department of Michigan, Grand Army of the Republic. In the meantime he had been serving as a member of the board of managers of the Michigan Soldiers Home, and this was his public service when he entered the Fifty-first Congress as representative from the Eight congressional district. The monuments of his service in the congress which concern Michigan most are the splendid federal building at Saginaw and the great Indian school at Mount Pleasant, though in the book of the hereafter it may be that those will not compare with the grateful feelings which welled up from the hearts of the many hundreds

of civil war veterans whom he aided in obtaining their rights under the pension laws of the United States, or, when those laws were inadequate, secured the enactment of special pension laws.

Defeated for re-election in the great Democratic landslide of 1890, Colonel Bliss once more immersed himself in business and in 1892 became a candidate for the Republican nomination for governor. Though defeated at first the movement in support of his candidacy grew steadily until in June 1900 the famous Auditorium at Grand Rapids became the scene of his triumph when the fiercest fought nominating campaign in the history of the Republican party of the state of Michigan culminated in the Grand Rapids convention of that year. There were two other leading candidates for the nomination, the Hon. D. M. Ferry of Detroit and the Hon. J. S. Stearns of Ludington, then secretary of state, and besides these there were the Hon. Chase S. Osborn of Sault Ste. Marie, the Hon. James O'Donnell of Jackson and the Hon. Milo D. Campbell of Coldwater. The shifting and the sifting of the first day and the exciting seventeenth ballot of the second day eliminated all the other candidates except O'Donnell, who came face to face with Bliss in the last great trial of strength, the fighting forces of the convention having arrayed themselves under their banners. The eighteenth ballot was decisive, and though another was required, it had not progressed far before it became the typical political landslide. Amid scenes of greatest enthusiasm the nomination of Colonel Bliss was declared and committees were sent to escort the candidates, victor and vanquished, before the convention.

William C. Maybury, mayor of Detroit, was the Democratic candidate for the gubernatorial office and the national and state campaigns during their course brought to Michigan the rough riding governor of New York, the Republican vice presidential candidate, Theodore Roosevelt. Enthusiasm was in the air, the triple button, "McKinley, Roosevelt and Bliss," was in overwhelming demand and when November came the national and state tickets had swept Michigan by one of the greatest pluralities in its history. And so the farmer boy of New York became governor of the Peninsular state.

An imposing civic and military display accompanied the governor-elect to Lansing, where on New Years Day, 1901, he took the oath of office as successor to Governor Hazen S. Pingree. He was re-elected in 1902 and served the state four years as chief executive. As has been said, these were years of peace and prosperity and the problems of the executive were more those of supervision than of construction. Bringing to the office of governor a superbly trained business mind, Governor Bliss took

up the discharge of the manifold duties imposed upon him with an almost painful minuteness of attention, and as the head of a large business pays attention to and gives heed to the advice of the heads of department, so did the governor listen with respect to the recommendations of the various great officers of state and aid them with all the powers vested in the office he held.

As long as his health permitted, Governor Bliss gave personal attention to every matter of importance that reached the executive officers, and many of his subordinates have strict recollection of the exactness of his memory with regard to the execution of each and every order made by him. Although appreciating the honor of his high position he had no particular pride of office in the sense that term is many times used and never felt that it demeaned him in the least to wait personally upon the most humble of his callers. It seemed many times to those who knew him most intimately as governor that memories of his own early days were with him, keeping his heart tender for those who had no one to make a fight for them or obtain audience when the rich and powerful of the state were pressing their demands. More than once the governor interfered personally and gave ear to some shabbily dressed man or woman, when by right of priority of call others who exhibited every evidence of prosperity were entitled to be heard under the American law of "first come first served." I remember well one day during the time the Forty-second legislature was in session. Matters were at fever heat and many of the biggest men in the state were besieging Lansing with the executive offices as the focal point. A shy shrinking woman, poorly dressed, her face and form bearing evidence of coming trial, pressed her way into the governor's offices half fearfully and was vainly trying to get the attention of the colored guard at the inner door, when suddenly that door opened and the governor hurried into the public office after some information. His keen eyes searched the crowd instinctively and in an instant had lighted upon the worried face of the woman. Stepping to her side he asked what he could do for her and heard her story of suffering and sorrow. Her husband who had committed some comparatively trifling offense, was undergoing imprisonment in the Detroit House of Correction. Calling the secretary of the Board of Pardons, the governor was shortly put in possession of all the information he needed to convince him that the woman told the truth, and ere the day was done sent her away happy over the release of her husband. Some six months later the wife, husband and baby came to the governor and the parents thanked him most heartily for his clemency. The governor took the babe,

crowing contentedly, into his arms and said: "This happy little one and a saved father more than repays me. Michigan cannot have too many happy homes."

His tender heart caused him more real grief than all the other troubles that beset him during the course of his administration. A woman whose plea was not as rightly founded as was that of the one he made so happy obtained audience one day. The board of pardons had just refused clemency in the case of her husband and she was appealing to the governor. He heard her most patiently and as the tears coursed down her cheeks the governor's eyes melted as his own tears came in sympathy. When finally he had to tell the sorrowing supplicant that her prayer must be denied, I doubt not that he was even more affected than was the woman who saw her chance for happiness disappear forever.

Governor Bliss could be very stern and decided when he had resolved upon a course of action. Opposition only whetted his spirit and neither threats nor display of force sufficed to alter his plans. This is a far different picture of the man than his enemies loved to present to the public, but it correctly represents him as the other did not. Had it been otherwise he would sometimes have faltered under the weight of the terrific and undeserved newspaper campaign waged against him. Not once did he open mouth to reply. He never sought to conciliate his enemies in spite of the fact that at times concessions would have brought assistance and might have afforded relief. A square administration was his goal and he had no other purpose in view. Early in his administration he alienated or at least made luke warm in his support certain of the political leaders of the upper peninsula because he had decided not to appoint the man whom they had agreed to support for member of the State Tax Commission and in this ran counter to the advice of men who were very close to him and upon whom he leaned as his strongest support. So tremendous was the pressure and so alluring the political advantage to be secured that the wonder is he did not grasp at what other men have grasped before. But he had counted the consequences and made the appointment in his own way.

Instances could be multiplied, varying in character and circumstance, but all tending in support of the assertion that had he been merely self-seeking he might have made for himself much easier times.

Governor Bliss has been absent from the field of action so brief a time and the period since his administration of state affairs terminated has been so short that from the historical point of view the relative importance of things accomplished may not yet be determinable, but it is

certain that those four years contributed materially to the welfare of the people of Michigan. Together with the attorney general he initiated the great legal fight to compel the railroad corporations of the state to pay at the same rate of taxation as that paid by the other property of the commonwealth and so well laid were the plans, so able the men selected, that the fruits of this contest fought to conclusion under their successors in office were most imposing. He gave aid and assistance in the campaign for improving the system of making party nomination in speeches, in messages to the legislature and in official sanction of the first of the local primary election measures. He was pronounced in his opposition to local corporation measures under the guise of general laws and on more than one occasion this ounce of prevention was of more importance than the traditional pound of cure. He warned again and again against the evil of unnecessary legislation and never lost an opportunity to fight the practice of enacting special laws for localities or to hammer the custom of giving immediate effect to laws regardless of the existence of a constitutional emergency.

The blind people of Michigan will never forget the governor, because to him they owe the creation of the Employment Institution for the Blind, to the organization of which he gave personal attention and in its service enlisted the talents and energies of his close personal friends. He took a deep interest in the institutional works of the state and on more than one occasion commended the members of the various boards of control, who serve practically without compensation, for their patriotic devotion to the interests committed to their charge.

Under his administration came the constitutional changes and legislative enactments that almost revolutionized the attitude of the state towards its criminal elements through the creation of the law of probation and the indeterminate sentence method of punishment, the basic principle of which is a helping hand for the man or woman who tries honestly to reform. These measures appealed strongly to the governor and every means he could employ legitimately, were used to bring about their accomplishment and his satisfaction was pronounced when the enrolled acts were brought to him for his approval. He used these laws as often as it came within his power, for seemingly it was the bent of his nature to be extending a helping hand to the unfortunate and the erring. If conditions and circumstances would admit opening prison doors, he believed that a man who had offended against the law, but who had completely repented of his misdoing, would be the better off and society more truly served through this man maintaining himself

honestly and those dependent upon him, than to harden and embitter through punishment what was retaliation and nothing else. And it was a great satisfaction to him to know that less than one in ten who were released by him under the laws of parole were required to be returned to prison for infraction of the conditions of their release. No work of the state along the line of the prevention of crime appealed to him any more than the Industrial School for Boys at Lansing and the School for Girls at Adrian. He visited these institutions frequently and many times the boys and the girls in those schools have had occasion to be grateful to him for gifts that enabled them to see life from new points of view.

Governor Bliss had a clear vision of the economics of state affairs and many of his views have been left of record in his state papers. He spoke, wrote and gave personal assistance towards the cause of reforestation and was one of the pioneers in the cause of good roads. He took no mean part in the advancement of the agricultural and dairy interests of Michigan and gave material support towards the establishment of a great state fair.

At the age when most men obtain an education Governor Bliss was in the armed service of his country and those years once passed, the opportunity in which every boy, who will, can share today, was not his again and out of his loss was born a great desire to help in the education of others. This desire became a passion and because of it and practical application to their lives, scores of well educated men and women in this state today bear reverent witness of the good this man did. Great educational institutions, their work quickened and strengthened because of his generosity, stand as monuments that more than mutely mark the pathway along which he passed, and it can be said of him truly, that wherever he rested, blessings grew. He had the creative spirit and under its inspiration there sprang into existence the institution at Mt. Pleasant for the education of the Indian boys and girls, and the good it has accomplished will mark for all time his congressional service. Through his membership in the Michigan legislature and subsequent appointment to the board to organize and locate the Michigan Soldiers' Home much is due for that great pile of buildings at Grand Rapids, wherein are sheltered the remnants of those battalions that once were the very life blood of the nation. At Saginaw, fronting the buildings of the Employment Institution for the Blind, are the grounds of the splendid Recreation park, which he gave to the boys and girls of the city, wherein they might make merry for all time to come, and again

in Saginaw and in the little town of Peterboro, New York, are monuments of stone and iron erected by him in memory of the comrades with whom he served during the civil war.

The first interruption of the governor's activities came near the close of his first term and when he was residing in Lansing. Lagrippe struck him a deadly blow and for days his life fairly trembled in the balance, but his sturdy constitution apparently won for him then as it had on other occasions as far as could be seen. The ensuing campaign and the challenge to political combat roused the old fighter as nothing else could have done and he went from a sick bed to the thickest of one of the hottest contests of his career. He did not falter once and when the Detroit convention had resulted in a decisive victory, he appeared before the convention and pledged his best efforts for the common welfare, little thinking that he was to be a passive spectator during most of the campaign. The weakened heart was not equal to the demands made upon it and held the governor in his home. He was not a well man during the greater portion of his second term, but so firmly did he conceal his condition that only a very few realized the difficulties under which he labored and I verily believe that sometimes he deceived even himself as to his health. He was just as devoted to duty, as considerate and kindly as ever, and not until the last task was completed, did he give way in the stern struggle. After he was once more established in his home in Saginaw and surrounded by the scenes to which he had been accustomed, he appeared to recover his strength and it was there, on the occasion of his 68th birthday anniversary, occurred what was one of the most pleasant experiences of his life, the presentation to him of a silver loving cup by the members of his military staff during his term as governor.* The men who assembled in his home that evening to testify their love and admiration, little dreamed that for him the close of life was so near. The first summons came at Flint, August 31, 1905, when enroute to the national encampment of the Grand Army of the Republic at Denver, he was stricken with apoplexy. A special train carried him back to Saginaw, where his devoted brother, Dr. L. W. Bliss, began his tireless vigil and the unequal contest with the "reaper whose name is Death." At times the governor was well enough to attend to business matters that required special consideration, and at others the failing tide of life sank so low that even the tireless brother-physician abandoned

*This loving cup and many souvenirs of his gubernatorial office were given by Mrs. Bliss to the State of Michigan and placed in the Museum of the Historical Society.

hope. An iron will bore up the governor and he was sustained by the determination that had never yet failed. Trips were made to various parts of the country in a vain effort to find relief from the ever present danger, but the end came finally at the Sacred Heart Sanitarium in Milwaukee, Sunday, September 16, 1906.

Then came the day of sorrow. The love and esteem in which Governor Bliss was held turned the thoughts of the commonwealth to the home in Saginaw, where under the flag he loved so well he lay on a couch sleeping the last dreamless sleep. The soldiery of the state waited at the portal of that home the while ministers of God brought the last consolations of religion to the family that were to give up their loved one. The casket was borne to the stately hall of the Masonic Temple, where it was banked with flowers and wrapped in the folds of Old Glory. Soldiers kept watch o'er the silent form while the people of Saginaw, yes the people of Michigan, by thousainds took one last look upon the countenance of him who more than anything else during life had desired the love of mankind, and had not wearied in well doing. Side by side with the faltering comrades of the civil war were the chief men of the state, governor and commoner; there were widows and little children who had known of the tenderness of him who lay there, and so through the long hours of the day walked the good deeds of the man who was gone and which had risen up to call him blessed.

Words of eulogy from men who had known him many years of his life, glad words of comfort and cheer, song and prayer, the uniforms of Templar and soldier, the tense faces of the multitude that waited in the streets, were but the beginning of the panorama that rolled to the very gates of Forest Lawn cemetery, where opened the doors of the granite walled chamber of sleep. And when he was lain therein, and the smoke of three volleys had floated above him, and taps had spoken to him the solemn words of the soldier's farewell, the last rays of the sinking sun penetrated through the western clouds and rested in benediction above his resting place.

HIRAM R. MILLS, M. D.

BY COL. GEORGE H. TURNER.

On the 29th of November last, while dressing for a "Thanksgiving Dinner" at the Hotel Pantlind, Grand Rapids, Assistant Surgeon Hiram R. Mills was suddenly stricken by heart disease, and in the company of

LIEUTENANT COLONEL GEORGE H. HOPKINS.

his wife and friends, died in less than half an hour. He was born in Saline, Washtenaw Co., July 11th, 1837, and enlisted as private in "H" Co., 20th Michigan Infantry, Aug. 7th, 1862, and was detailed for service in the Camp Hospital at Jackson, in which capacity he served until Sept. 19th, 1863, when he was made Hospital Steward of the Regiment. March 29th, 1865, he received a Commission as Assistant Surgeon of the Eighth Michigan Cavalry Regiment. He served as such until honorably mustered out of the service Sept. 22nd, 1865. The Twentieth Regiment was assigned to service in the Ninth Army Corps, which it joined at Sharpsburg, Md., soon after the battle of Antietam, and Dr. Mills followed its fortunes through all the campaigns of that noted corps, including Fredericksburg, Kentucky, Vicksburg, Jackson, the return to Kentucky and Tennessee, including the battle of Campbell Station, the siege of Knowville, and the fearful winter campaign succeeding, known as the "Valley Forge of the Civil War." Back to the army of the Potomac in May, 1864, participated in the frightful battles of the Wilderness, Spottsylvania, Court House, North Anna, Bethseda Church, Cold Harbor, to Petersburg, and its long siege of ten months. Just before Lee's surrender he was promoted to be Assistant Surgeon of the Eighth Michigan Cavalry, which regiment he joined at Pulaski, Tenn., and where he served until mustered out with that regiment. Immediately after the war he was stationed at Mackinac Island as Surgeon of that Post, and several years later removed to Port Huron, engaging in private practice. April 11th, 1903, he was appointed Surgeon of the Soldiers' Home, Grand Rapids, which difficult position he filled with great ability, and to the comfort and welfare of the feeble veterans under his kind supervision.

LIEUTENANT COLONEL GEORGE H. HOPKINS.

A Sketch of His Public Career.

BY JOSEPH GREUSEL.

At the outset it may be well to give you the estimate of the character of Lieutenant Colonel George H. Hopkins by two citizens whose names will attest their worth. They had known him long and intimately. Their judgment was formed from contact with the man under circumstances of war and of peace, and in many phases of public and private life.

Senator Burrows says of him: "Hopkins was a soldier superb in every way." Burrows served with Hopkins in the same regiment. He saw him under fire, on the march, in the camp.

The late Senator Alger said: "Personally he was one of the best citizens of Detroit—one of the truest, noblest men I have ever known. He was a brave soldier, and dearer to me than most any man outside of my own family."

George H. Hopkins died March 6, 1906. He was born in the Township of White Lake, Oakland county, Nov. 7, 1842. When he had reached school age he attended the district school—afterwards teaching for two terms—it being a step in his education. He took a course in the Pontiac high school, and later matriculated in the State Normal school at Ypsilanti.

He entered the Normal school in 1861, when the civil war was raging, and the pulsations of the patriotic heart of the nation were at highest fervor. He joined a company of students, whose purpose it was to learn the drill of a soldier. In that year more men offered their services to the country than the government could accept. These boys at the Normal were eager for the summons to the ranks of war.

The call came early in June 1862, the war department having asked another regiment of Michigan. The students' company made application for assignment to it, and were given a place in the regiment. The Captain was Gabriel Campbell of Ypsilanti. A good share of the privates in his company were Normal students. They took the field after the commencement exercises of that year, and the regiment left for Washington Aug. 27, 1862.

It was known as the Seventeenth Michigan Infantry. It departed from Detroit with a force on its rolls of 982 officers and men, commanded by Col. William H. Withington of Jackson. In two weeks after reaching the shores of the Potomac in Maryland, it had gained the title of the "Stonewall Regiment." The name was bestowed in recognition of its surprising work at South Mountain, September 14, 1862.

It was a regiment composed of green men. It had never been exercised in battalion drill. The larger number of enlisted men were minors; some, indeed, very youthful.

The service records show that boys in their teens are good material for the rough work of war. It may be that their inexperience of life, and plastic character, inclines them to docility and obedience. It is certain that the wonderful recuperative power of youth enables them to quickly restore their bodily vigor after great fatigue. Enthusiasm, hope,

high ideals—are fresh and stimulating at those ages. With courage and these qualities and—always provided, capable officers—what can withstand the indomitable perseverance of such soldiers?

If you would know how many boys like these fell in the war, visit our national cemeteries. Four hundred thousand lie under the sod and the dew in the fields of the south. One might cast up, if time served, what a loss this mortal sacrifice of war has been to the vigorous Americanism of the generation that would naturally have been their heirs. On the other hand—how inspiring has been the lesson of patriotism they have taught us! Long may it endure!

South Mountain, where these green men we have been speaking of, first went under fire—has passed into history. The enemy they engaged there were posted at points of advantage on the mountain side. Their batteries were well placed. Stone fences marked farm and field lines within their battle ground, affording shelter for the men in gray.

From nine o'clock in the forenoon the Seventeenth had been held in reserve—being new troops—in line of battle, sheltered by the contour of the ground assigned them. Laying so near the fire of the enemy without being able to return it, and grown accustomed to the noise of musketry and cannon, they became impatient of the long delay. At four o'clock in the afternoon the order to move forward was received with enthusiastic shouts. They rushed upon the foe, making no account of the walls before them. The left of the regiment moved for a front attack; the right swinging around the better to sweep—with an enfilading fire—the enemy faced behind stone fences, two lines of them, one being above the other on the sloping mountain side.

It was this inspiring charge that decided the battle. On "Class Day," at Michigan university, in 1865, three years later, Capt. Campbell of the Seventeenth delivered a poem, descriptive of the severe and decisive contest at the battle of South Mountain. The intrinsic worth of the poem commended it to the class, the faculty, the audience assembled at the Tappan Oak, and to the people, for it was widely published. You remember that the poet was the old captain of the Normal school company. Permit an extract that you may judge both the warrior and the poet.

"On comes the line of Michigan—
With bristling bayonet all—
Three volleys and a charge! Great God!
It clearly scales the wall!

They rally yet—and yet again—
Fiendish mid reeking blood!

Nor rebel steel, nor walls of stone,
Can check the loyal flood;
But just as o'er that mountain top,
Reflects the setting sun,
Our victor shouts sent heavenward
Proclaim the battle won.

Back, o'er the heaps of mangled men
We move as shuts the day,
And there recline upon our arms,
To watch the night away;
And, as to heaven's calm, peaceful vault,
We turn the weary eye,
We feel that we have struck one blow
For GOD and LIBERTY!"

I shall not enlarge on the deeds of the Stonewall regiment, George Hopkins with it everywhere—private, corporal, sergeant—further than to say that three days after South Mountain it fought at Antietam; that it crossed the Rappahannock in that year's somewhat unsatisfactory campaign in Virginia; that on the opening of spring in 1863 it was transferred with the Ninth corps to Grant's army in Mississippi; that it took part in the siege and capture of Vicksburg, which inspiring result culminated July 4, 1863. Then it joined the army of the Ohio and moved into East Tennessee, at Fort Saunders and Knoxville in the late November, having traveled over 2,100 miles that year, and mingled its share of fighting with the travel. In January, 1864, it started east again, and joined the Army of the Potomac, marching part of the way over the Cumberland mountains, 186 miles in ten and one-half days—which was rapid traveling for that season of the year, and on such footing as the Cumberland ridges, valleys and tortuous streams afford to the man with the knapsack and musket. All through the last campaign in Virginia, fighting it out all summer on that line, with Grant, and finally before Petersburg. That place with its famed "Crater," and stout resistance, fell in April, 1865. It was all over but the grand review at Washington. In that the regiment participated, May 23, 1865; and then home to the walks of private life and the pursuits of peace.

Treasuring his honorable discharge, George Hopkins again sought the Normal College at Ypsilanti. Completing his course there he graduated with the class of 1867. He entered the law department of the University of Michigan, and graduated therefrom with the class of 1871. He was a deputy United States marshall at the census of 1870, taking the enrollment of a district in Washtenaw, and one in Lapeer county.

After graduating in law his progress was steadily forward. He entered the law office of Newberry, Pond & Brown, one of the eminent firms of the state, and shortly became an assistant on the staff of the general attorney of the Detroit & Milwaukee railroad, James F. Joy, that masterful railroad builder, whose work in developing the country, and enlisting timid capital in enterprises began and finished before the appearance of any considerable population on the prairies of the Mississippi valley, and the region beyond the Missouri—Mr. Joy, appreciating the faithfulness of the young attorney, engaged him as private secretary. This was in 1872, the year that John J. Bagley was elected governor.

The position of private secretary to the governor of Michigan is a position that requires knowledge of the state, its public men, and other equipments, not the least of which is suavity, good nature and a more than ordinary amount of that much to be desired faculty that we call tact. George Hopkins had these qualifications, and the indispensable one of integrity. Governor Bagley had the state to choose from. He chose George H. Hopkins. He probably ever after congratulated himself on this choice. For his part George Hopkins had every reason to look back upon his entrance into the office of Governor Bagley as the turning point in his career.

I first saw the new private secretary at the beginning of the legislative session of 1873. It was in the old state house, that overgrown, two storied, solid framed structure that served the needs of the state from 1847 to 1879. The executive office in the upper story, down a rather dark hall, consisted of two moderately large apartments. It was very plain in furnishings, and resembled a country lawyer's office in arrangement. Here the private secretary attended to the multifarious work that devolved upon him, making a larger acquaintance every day—gaining friends and experience every day.

It happened that as military secretary to the governor he acquired the title of major, a title that clung to him even after he was entitled by the commission of the president of the United States to wear the silver-leaved shoulder straps of a lieutenant colonel. Always Major Hopkins to his old friends, he was, private secretary to Governor Bagley during his

two terms of office. At the urgent request of Governor Croswell he remained in the same capacity for him during the legislative session 1877.

Hopkins then returned to Detroit and became associated with the business of John J. Bagley & Company, and continued therein until his death. Was stricken in fact in the office of the Bagley company. The place of his death will show the industrious business man, for it was at his desk that he fell, in the night, a time that others devote quite generally to rest and recreation.

However, even then in 1877, his knowledge of public affairs was too perfect and complete to altogether allow his retirement from the great stage of state and national politics. He served three terms as a representative from the city of Detroit in the legislatures of 1879, 1881 and 1883, and among other things introduced the bill for the purchase of Belle Isle. In the 1883 session he was speaker pro tem of the house. He was chairman of the Republican state central committee in 1878 and again in 1888 and '89. In the last named year he was an alternate delegate to the national republican convention at Chicago. This was the convention that nominated Harrison and Morton. The year following, 1889, Major Hopkins was made collector of the port of Detroit. He held that office until the election of Cleveland, or rather until the inauguration of Cleveland in 1893.

His last notable performance in politics was in arranging the schedule, and acting as master of transportation for the great campaign tour of "The Generals," in 1896. This was perhaps the greatest of campaign tours.

The idea of the tour was the conception of Gen. Alger. It was designed to arouse the patriotism of the country in the critical situation that faced the nation during the prevalence of the free silver mania. It accomplished that purpose.

The trip was a continuous ovation—a perpetual fourth of July. Cannons, fireworks, bands, processions, goddesses of liberty, Uncle Sams, and other costumed characters of historical significance—were met with everywhere. The population assembled at the meetings in surprising numbers, coming from far and near, and exhibiting the overpowering interest and the enthusiasm that a national crisis awakens.

General Alger had enlisted in this amazing service the only two surviving generals who were corps commanders during the civil war. He had several division commanders, and two of the most widely known, and best beloved of the private soldiers who had served in the ranks. Very capable

men, all of them—as famed for their eloquence as for their services in the great struggle for the Union.

The generals were Daniel E. Sickles of New York, Oliver O. Howard of Vermont; both on the retired list of the regular army; George A. Marden of Massachusetts and Thomas J. Stewart of Pennsylvania.

The privates were dear old Corporal Tanner—whose rugged gift of speech, wit, humor and pathos, is a perpetual delight, and Jack Burst, famed alike for his warlike valor and his modest bearing. It appeared as if Grand Army men everywhere knew something about Tanner and Burst that inclined them to love them. There was also the old Christian bugler, who thrilled the audiences by his bugle calls, and employed his Sundays on the tour in assisting the choirs of whatever church had need of him, in whatever city the party happened to be.

On one occasion the church was the Methodist church at Canton, of which McKinley was a member. McKinley was present at the services, and listened with profound emotion to the bugle accompaniment to the hymns.

Such speeches, such scenes! It reproduced again the excitement of war, and the fervor of patriotism, and it was impossible to tell whether the generals or their audiences experienced most the tumult of feeling that manifests itself on the battlefield. George Hopkins, imperturbable, never forgetting, always with the same good nature, directed the course of this wonderful campaign expedition, and regulated it so that there was never a disappointment.

That you may judge of the magnitude of the journey I mention that the party traversed in its special train the states of Michigan, Illinois, Wisconsin, Minnesota, Iowa, South Dakota, Nebraska, Kansas, Missouri, Indiana, Kentucky, Ohio, Pennsylvania, and through New Jersey to reach the city of New York, where the last grand rally took place. The party traveled 8,848 miles; it stopped at 255 places; and 276 meetings were addressed. In the larger cities more than one meeting was held, the speakers dividing for that purpose.

The year 1898 opened with the destruction of the Maine in the harbor of Havana. The country could not be restrained in its purpose to avenge that crime. The war with Spain broke out. General Alger was secretary of war. He needed a man that could serve as his eyes and ears. When Alger was commander-in-chief of the Grand Army of the Republic 1892, he appointed Hopkins his adjutant general. Knowing his efficiency, and his honesty, as well as his calm judgment and sterling good sense,

when war was declared, he called upon Hopkins to render service again to the country. The call was eagerly awaited by Hopkins. He was commissioned lieutenant colonel, and made assistant adjutant general on the personal staff of the secretary of war.

In this capacity Col. Hopkins visited every camp of the army. He observed, with careful and just eye, all that took place. It was his reports that advised the secretary of war of the needs of the army, the deficiencies of the service. He was not only in the camps but in the hospitals, and on the transports; in the tents of the soldiers, and the headquarters of the generals. What a book his reports, and his private observations, if recorded and preserved—would make. Very illuminating of that epoch in our history, the Spanish-American war.

It is necessary to say that Col. Hopkins was most deeply interested in the welfare of the Grand Army of the Republic. He was a commander of the Detroit Post; he was also department commander of the department of Michigan.

I shall not speak of his business successes. They were ample, and for a man of his modest tastes, affluent. He became an important factor in the manufacturing and banking interests of Detroit, and was a director in some of the largest enterprises of that city. These are material and distinct conquests, and men of less ability achieve them in greater measure than George Hopkins. Nor is it necessary to dwell on his social life, which was pure and upright. He lived and died a bachelor, something inexplicable to those who thought they knew him well. His amiable manners, his genial companionship, his sympathetic nature—would have insured a happy domestic life. He did not lack opportunities to make a suitable match, for nature had endowed him with a manly beauty and grace of figure rather greater than she bestows upon any but her most favored ones.

I prefer to remember his sterling honesty, his quintessence of good sense, his rare judgment, and his fidelity. The honest man is the king of men; the capable man is the guide and leader. We can all join with Carlyle in his detestation of the human sham. We can all rejoice in those qualities of head and heart that make men brave and true, tender and loving, modest and forgiving.

JUDGE GEORGE WANTY.

JUDGE GEORGE P. WANTY.

George Proctor Wanty, Judge of the United States District Court for the Western District of Michigan, died in London, England, July 9th, 1906. He was born in Ann Arbor, Michigan, March 12th, 1856, son of Samuel and Elizabeth Proctor Wanty, both of whom were born in England. He completed the public school courses in 1872 and in '76 entered the law department and was graduated from the University of Michigan in 1878. He moved to Grand Rapids and successfully practiced his profession there, having many strong legal partnerships. In 1900 he was appointed Judge to fill the vacancy of Hon. Henry F. Severens, who was promoted Circuit Judge.

Mr. Wanty married Emma M. Nichols, June 22, 1886, and she and two children surive him. He was president of the Michigan State Bar Association in 1884. He was a consistent and helpful member of St. Mark's church.

The Colonial Club, of which he was a valued member, paid tribute to the services and memory of Judge Wanty by a memorial prepared by Bishop McCormick.

Kent County Bar Association, presided over by Hon. William R. Day, Justice of the Supreme Court of the United States, met in the court room and very touching and eloquent eulogies were delivered by its members.

Mr. Bundy gave a memorial pronouncing him one of the state's best citizens, one on whom no suspicion of his honor or integrity as Judge or man ever rested.

Mr. Patton, in seconding the motion, spoke feelingly of his legal career, and manly life. In closing he quoted

> He has done the work of a true man,
> Crown him, honor him, love him,
> Weep over him tears of women,
> Stoop manliest brows above him.

Judge Montgomery extolled his legal attainments and his ideal domestic life, saying he had never known a sweeter, purer life, or one more noble and forceful.

Hon. Henry M. Campbell said the Bar of Detroit mourned with Kent county, not only a loss to the state, but a personal loss, and he could offer no greater praise than that the world was the better for his having lived.

Mr. Rees of the Upper Peninsula, extended the sympathies of that portion of the state, and spoke of the universal praise won for him by his manly presence and genial character.

Mr. Knappen bemoaned the loss of a friend with all the meaning possible to that word.

Judge Severens said the garland he offered to his memory was gathered, not from common speech, but from the garden of his own heart.

Judges Swan and Luton paid high tributes of respect.

The Supreme Court adopted memorial resolutions prefaced by the highest encomiums from Roger Butterfield, Justices Montgomery, Blair and Grant. The Grand Rapids Herald closed with the sentence "Our city has never contributed a more brilliant star to the firmament of Heaven."

CLEMENT E. WEAVER.

Clement E. Weaver died at Adrian, April 6th, 1906. He was born at Hartland, N. Y., of Revolutionary stock. In 1835 he came with his parents to Michigan, residing on the farm in Hillsdale county until eighteen years of age. He was one of the nine scholars who composed the first school in his district. For two years he attended the Michigan Central, now known as Hillsdale College, but then located at Spring Arbor, Jackson county. Old chief Baw Bese was a near neighbor of Mr. Weaver, and through this association with the Indians his interest was aroused in their behalf, and made him a contributor to their comfort and enjoyment.

Mr. Weaver was admitted to the bar of Hillsdale county in 1859, and practiced successfully in Lenawee and Hillsdale counties. Having been appointed and afterward elected prosecuting attorney he moved to Adrian, holding many important city positions. He married Mary A. Race, October 7, 1855, who died August 2, 1901, leaving three daughters and one son.

Mr. Weaver's law practice was quite extensive, making him a familiar figure in the Supreme Court. He was held in high esteem, both as a lawyer and citizen, and his life reflected honor on the city and county of his residence.

MRS. EDWARD CAMPAU.

Mrs. Phoebe Elizabeth Campau, wife of the late Edward Campau, died February 11, 1907, at her home in Alaska, Kent county.

She was one of the pioneers of the state. Born in Wethersfield, Wyoming county, N. Y., July 12, 1827, she came to Michigan with her parents in 1836, and settled with them at Yankee Springs, Barry county. Phoebe Lewis was the daughter of Yankee Bill Lewis of Yankee Springs,* who used to keep "tavern" at the Springs, the half-way house between Kalamazoo and Grand Rapids. Her early life was spent among the sand dunes of the Gun Lake vicinity. Her pioneer life was in the Yankee Springs "tavern," where at times 100 people have stopped over night. The tavern was "seven stories" all on the ground. It was there she met her husband, one of the stage drivers between Kalamazoo and Grand Rapids. It was there she was married and from there she went to her husband's home on that same route a mile south of Whitneyville on the road from Grand Rapids to Hastings, where Campau drove for a time.

Mrs. Campau was a frequent visitor at Hastings, where she renewed the acquaintances of early life and where she was always a welcome guest. She leaves an only son, Frank E. Campau, cashier of the Farmer's State Bank of Alto, and a sister, Mrs. M. M. Hoyt of Kalamazoo, and several cousins still living in this county.

Mrs. Campau was a communicant of Emmanuel church, Hastings. She was kind hearted, generous and sympathetic, greatly loved by her neighbors and will be deeply mourned by a large circle of friends.

Mrs. Campau was a member of the Michigan Pioneer and Historical Society.

HENRY CHAMBERLAIN.

Henry Chamberlain was born at Pembroke, N. H., March 17, 1824. He received an academic education. He came to Michigan with his father in 1843, settling at Three Oaks, where he became a merchant and farmer and held many offices. He died Feb. 9, 1907, at his home in Three Oaks. His autobiography will be found in Michigan Pioneer and Historical Collections, Vol. XXXV, p. 662.

*A sketch of the Old Yankee Springs Hotel by Mrs. M. M. Hoyt will be found in Vol. XXX, pp. 289-302, this series.

MRS. CHARLES C. CHAMBERLAIN.

Mary E. Chamberlain, a newspaper and magazine writer and an artist, of Muskegon, departed this life August 20, 1907. She was born at Belleville, N. Y., receiving her education at the Union Academy of that place. Her maiden name was Mary Elizabeth Bigelow. In 1870 she married Charles C. Chamberlain and came directly to Muskegon, where her husband had already established himself in the profession of law. During the early years of Mrs. Chamberlain's life she gave her attention to art, having a large class in painting. The later part of her life was employed in contributing articles to newspapers and magazines.

Mrs. Chamberlain was greatly interested in historical research of her city and state, and gave much attention to the study of Indian lore. She was a member of the Michigan Pioneer and Historical Society and contributed several articles for its volumes. A prominent member of the Michigan State Press Association and an active member of the Woman's Club and of the Horticultural Society of the city.

Rev. Archibald Hadden, her pastor from the First Congregational church, conducted the burial services and in his remarks said:

"Mrs. Chamberlain was a gifted woman with a rare appreciation of the beautiful, and an unusual power to express it in art, music and literature. She was interested in all that makes for the betterment of society, and glad to work for it. She had a strong faith in the goodness and power of God, so that when the illness came, and the end was certain, she faced it without a tremor, only regretting to leave her household, but glad to have the suffering over and to enter into rest."

DAVID R. COOK.

Died at Hastings, Feb. 7, 1907, David R. Cook, father of the editors of The Hastings Banner. David Randolph Cook was born of sturdy Dutch stock (the original name was Koch) in Mapletown, Steuben county, N. Y., Sept. 1st, 1830. In the spring of 1854 he started for Michigan, arriving in Prairieville May 24th, where his sister already lived. The next year he and his brother, Sylvenus H. Cook, bought a farm, where the two brothers lived until Sylvenus was elected register of deeds in 1860. October 13, 1857, he married Martha M. Marshall.

Nov. 17, 1863, he moved to Hastings, and was engaged in a successful real estate business until his retirement to private life. He held many town and city offices, and served two terms in the state senate. In 1880

he was on the ticket as a republican presidential elector. He was president for many years of the county pioneer society, and took a great interest in the growth of this state. He was greatly esteemed by his friends and citizens and deserved the esteem and success he won for himself.

JUDGE ALBERT E. COWLES.

Judge Albert E. Cowles, aged 68 years, formerly of Lansing, was instantly killed at Los Angeles, Cal., November 24, 1906, by the street cars. In 1843 he came with his father from Chardon, Ohio, making the journey in a buggy. An ox team, driven by members of the family, followed with the household furniture. Judge Cowles reviewed this long journey in the history of Ingham county, which he assisted in writing before his removal to California.

His father had bought 160 acres of land in the city of Jefferson in Alaiedon township in Ingham county. After the usual common school education, obtainable at that time, young Albert entered the Michigan Agricultural College and graduated from its first class, and later received his law degree from the law department of the University of Michigan in 1862.

Mr. Cowles enlisted in Company A, 20th Michigan Infantry and served one year, when he was brought to Lansing to die as it was thought, but he recovered and was discharged from the army for disability. He held many offices under the city government, and served four years as Judge of Probate.

Judge Cowles was twice married; in 1864 to Fanny Foster, sister of the present postmaster of Lansing. Mrs. Cowles died in 1884, and in 1891 he was married to Mrs. Effie Kinneston of Syracuse, N. Y., who survives him in her home in California.

Judge Cowles was an influential member of the Grand Army of the Republic, serving several times as its Commander. The Bar of Ingham county paid high tributes to his character and ability as a citizen, an attorney and a friend, in a special meeting called for that purpose.

CHARLES CROSMAN.

BY M. D. OSBAND.

Charles Crosman died in Milwaukee, Wis., May 1, 1907.

His name is linked with the history of the Great Lakes covering a

period of almost a half century past, and he was long a federal engineer of note in the department of Lake Michigan. He was buried Friday afternoon in the Crosman family lot in Elmwood Cemetery, following the funeral services in the chapel of the First Congregational Church of which Mr. Crosman had for many years been an active and faithful member.

Mr. Crosman was born in Dexter, Michigan in 1830, and his entire life was one of great activity. He was the eldest son of Rufus Crosman, who came as a pioneer to Michigan territory in 1826, settling in Washtenaw county. Rufus Crosman was a delegate to the convention which framed the Michigan state constitution in 1836.

At an early age Charles Crosman went to work, though he continued his reading and studies all his life. At one time he was a partner of William Burt in the manufacture of solar compasses of which Mr. Burt was the inventor.

In 1861 he entered the lighthouse department at Staten Island. After a year he was transferred to the Detroit office and served on the lakes with the exception of a short period until his death.

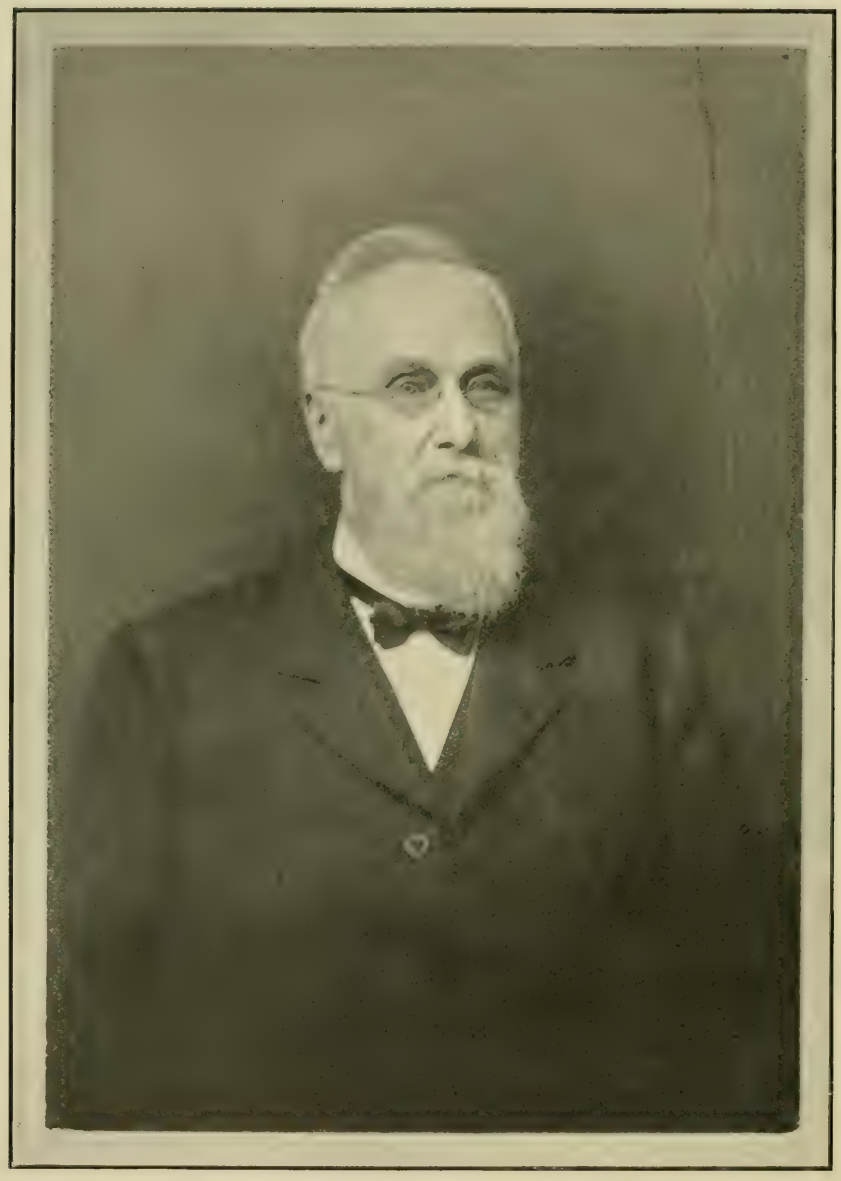
After some years in the lighthouse department, he was stationed in the department of rivers and harbors, where he rose to the rank of first assistant United States engineer in the division of Lake Michigan, with headquarters at Milwaukee.

He was a man of remarkable memory and with a clear logical mind. He always kept himself well posted on public affairs and on politics, both local and national, and never failed to cast his ballot on election days. His widow and one son, Charles Nye Crosman, of Minneapolis, survive him as does one sister, Miss Caroline Crosman of Milwaukee, all of whom were with him during his last illness.

CHARLES H. DEWEY.

Charles H. Dewey, an old resident and prominent citizen of Cambridge township died January 1, 1907, at the age of 84. He was born at Concord, N. H., in 1823. He came to Michigan, settling near Tecumseh, about 1836. In 1870 he opened a general store at Cambridge, where he was postmaster and supervisor for many years, and ran on the Democratic ticket for state representative and state senator several times.

He was a member of an influential family, and in the earlier volumes of this society several articles were contributed by them. Francis Dewey, at one time, was president of this society.



JUDGE CEYLON C. FULLER.

JUDGE CEYLON C. FULLER.

Judge Ceylon C. Fuller, died at Big Rapids, December 23, 1906. He had lived there nearly fifty years and no one was more conversant with the history of the early times, more loyal to his home and friends, or more alert to gather and preserve all pertaining to the progress and betterment of his city. He filled all the offices within its gift, and in his official capacity reflected honor both upon his supporters and himself.

Judge Fuller was born in Chardon, Ohio, June 25, 1832. He came to Michigan in 1845, and was a student in Grand Rapids until eighteen years old, when he entered Hiram College, where he was a class-mate of President James Garfield. Judge Fuller was admitted to the Bar in 1860 and opened a law office in Big Rapids, also assisting his father, Edson Fuller, in the pioneer store he had started there in 1859. Mr. Fuller held the offices of prosecuting attorney, judge of probate, and circuit judge, making a creditable record in every position. In November, 1858 he married Franc A. Harrison who died in 1872, leaving six sons and one daughter; two of these sons reside in California, and another is a Major of Marines in the U. S. Navy. In 1876 Mr. Fuller married Sarah E. Voorheis who became the mother of two sons, one dying in 1905, and the other is now a resident of Portland, Oregon.

Mr. Fuller ranked high in Masonry. When he settled in 1860 in Big Rapids he bought four lots heavily timbered, clearing the land himself, and building the foundation of his own house. He became the holder of much city property, but the panic of 1873 made it necessary to sacrifice much of it. Judge Fuller was vice president for this society for his county, and contributed a valuable paper found in Volume XXX. of this series. His interest, ability and enthusiasm in historical work for his adopted state leaves this society the richer for his services and mourners for his loss.

MRS. HENRY A. GOODYEAR.

BY MRS. SARAH E. STRIKER.

Mrs. Ermina Goodyear, widow of Henry A. Goodyear, a former member of this society, died in Hastings, March 27, 1907, aged 84 years.

Miss Ermina Barlow was born in Canandaigua, New York, Feb. 25th, 1820. In the year of 1840 she came to Michigan with her parents, Mr. and Mrs. Nathan Barlow, settling in Yankee Springs, near what is now Bowens Mills; Barlow lake, near that place, being named after her father.

In 1850 she was united in marriage to the late Hon. Henry A. Goodyear, whose prominence in the social, business and political life of this county is too well known to need mention. Since the date of her marriage she has been a continuous resident of this city and therefore was one of its oldest pioneers. Four children survive this union, Miss Rosella Goodyear, David S. and John F. Goodyear of Hastings, and Mrs. Ed Haff of Grand Rapids.

Though her early life was necessarily one of the privations incident to pioneer life, yet it is a matter of pleasure to all, to think of the happy years of the evening of her life. She was surrounded by all the love and devotion that was due a devoted wife and mother, and every comfort and every attention that suggested itself was hers.

MRS. GEORGE H. GREENE.

Mrs. Julia L. Greene died at her home in Lansing, Saturday, July 14, 1906. She was born in New York state, October 13, 1835, and came to Lansing about forty years ago. She resided in the home where she died over thirty years. Her husband for a long period was the honored secretary of this society, and both he and his daughter did very much careful and conscientious work in preparing and publishing the material for the several collections. Their deaths preceded that of Mrs. Greene's by only a few years. Mrs. Greene leaves a brother and two sisters. The funeral services were in charge of the Eastern Star of which order she was a valued and honored member.

WILLIAM C. HOYT.

William C. Hoyt died in Kalamazoo, Oct. 21, 1907. He was born at Hastings, Nov. 17, 1852, and was the son of Henry E. Hoyt, one of the best known men in lower Michigan. His grandfather, Rev. Ora Phelps, was the first Presbyterian minister in Kalamazoo. For many years Mr. Hoyt made his home in Kalamazoo. He married Estella Campbell, May 15, 1878, and was the father of three children, a daughter who died when quite young, Harry C. Hoyt whose home is at Schenectady, N. Y., and Katherine, 15 years old. Besides his wife and children, two brothers and his mother, Mrs. Mary Lewis Hoyt survive him. Mrs. Hoyt is a very helpful member of the Michigan Pioneer and Historical Society and has contributed many articles of great interest to its collections. Mr. Hoyt was very active and influential in the Presbyterian church.

JAMES C. JEWETT.

James C. Jewett, one of Clinton county's most widely known pioneers, died at his home in Essex, Dec. 11, 1907.

He was born in Lima township, Washtenaw county, Oct. 24, 1838, coming to Clinton county in 1858, working his farm summers and teaching school winters. In 1861 he married Mary Bush, three children being born to them, only one of whom, George J. survives him. Mrs. Jewett died in Detroit several years ago as the result of an operation.

Mr. Jewett was a very familiar figure at meetings of the State Grange, Farmers' clubs and Pioneer societies, in each of which he was very much interested and held several offices with credit to himself and betterment of the organizations. He was a very progressive farmer, and very aggressive in asserting and maintaining the interests and influences of this class. He was a faithful member of the State Pioneer Society.

WILLIAM C. McMILLAN.

William C. McMillan died at Detroit, February 21, 1907. He was the son of Senator James and Mary L. Wetmore McMillan and was born March 1, 1871. He graduated from Yale college in 1884 with the degree of A. B. His tastes were very scientific and literary and his medical library was the largest one in the state belonging to a non-professional. In London he married Marie Louise Thayer, of Boston, and took up his residence in Detroit. He served in a subordinate position in the Michigan Car Company, and soon became general manager. After his father's death he managed the immense fortune left him—holding official positions in twenty-seven of the largest establishments and corporations in Detroit. He was very closely connected with the marine interests of his native city, and did much for their improved condition.

Several very flattering offers to manage business concerns outside of Detroit were made him, one of a yearly salary of $100,000, but all were declined. The new Hotel Ponchartrain was one of his achievements, in providing Detroit with first-class hotel accommodations. In 1907 he became a candidate for U. S. senator but the office was given to William Alden Smith. A wife, two children and his mother survive him. Many eulogies were pronounced by friends on his life, and Detroit citizens mourned the loss of one so capable, loyal and helpful to his home city and its varied interests.

THOMAS MARS.

Thomas Mars, one of the most distinguished citizens of Berrien township, and one of the most enthusiastic Grange workers died at Berrien Springs, January 10, 1907, aged 78 years. He was born in Giles county, Va., May 4, 1829, but in infancy was taken to Berrien county where he resided for over three score years.

He married Margaret A. Wood of New York who died in 1905. Mr. Mars left two grand children who are in the U. S. navy. He held many public offices of trust among them being Worthy Master of the Grange, delegate to the first Republican convention in Michigan, state senator, prominent in the order of Odd Fellows and of the Berrien County Pioneer Society, Commissioner for the World's Fair at Chicago, and in each acquitted himself with honor and of service to his adopted state. He was a man of dignified presence. For many years he was the vice-president for this society in his county.

LAWRENCE S. MEECH.

Lawrence S. Meech, a pioneer settler in Meridian township, died at the home of his daughter, Mrs. M. H. Howe in Charlotte, Aug. 10, 1907. He was well known to the older residents in Lansing, and was a prominent worker in the Ingham County and State Pioneer Society.

MRS. ORRIN POPPLETON.

Mrs. Sarah Abbey Poppleton died in Birmingham June 3, 1907. She was born in the township of Richmond, Ontario county, New York, May 2, 1815. She first came to Michigan in June, 1841, arriving at Birmingham, June 17th, stopping at the hotel, which was for so many years Mr. Irving's hardware store; going from there to her sister's, Mrs. Stout, in Troy, where she remained until the next fall. She then returned to her New York home and was married at her father's, John Abbey, to the late Orrin Poppleton, on Nov. 2, 1841, by the Rev. Meacham. The young couple at once started for the new home in Birmingham, Mich., where her husband had just engaged as a merchant in the building now occupied by Daines & Bell. They came by steamer on Lake Erie to Detroit and by horse conveyance from there to Birmingham, arriving Nov. 6, 1841, and began

house-keeping in a small house then on the present site of the M. E. church, and three years later moved to the second story of the building so long occupied by Mr. Poppleton as his store and office where they lived for a few years. They then moved to the place now occupied by Mrs. Drew, at that time attached to the store.

Mrs. Poppleton was educated at the Lima, N. Y., Seminary and was well qualified to occupy her position in society and as an aid to her husband in his successful business career, to which she contributed no small amount of labor, counsel and advice. She was a good mother and a faithful wife. Three children survive her—Edgar C., Herbert A., and Ella.

CLAUDIUS B. SEYMOUR.

BY M. D. OSBAND.

Claudius B. Seymour, an honored member of our Michigan Pioneer and Historical Society died at the home of his daughter, Mrs. Roger Sherman, in Titusville, Pa., April 28, 1907, in his 86th year.

Mr. Seymour was a son of Ira Seymour of Victor, Ontario county, N. Y., where he was born Nov. 21, 1821. He was the youngest of eight children. He came to Michigan with his father's family in the spring of 1827, and settled in the township of Webster, Washtenaw county. His educational advantages during his early years were limited by the conditions incident to Michigan pioneer life. In June, 1846 he married Harriet, daughter of Dr. Thomas Hoskins, a pioneer physician of his vicinity. In 1856 he removed to Lansing to serve as an officer in the Michigan Reform School for boys. In 1866 he removed to Venango county, Pa., and engaged in occupations connected with the production of coal oil.

His wife died in 1897. He leaves two daughters, Mrs. Alma Sherman and Miss Harriet Seymour, a professor in Wilson College, of Chambersburg, Pa. A good sketch of his life may be found in Vol. XXVIII of this society's collections. Mr. Seymour had resided in Titusville twenty-five years. He was prominently connected with the Presbyterian church, and his last years were exclusively occupied in keeping its records and caring for its property. He retained his mental faculties unimpaired to the last.

He was a man of undoubted integrity, ever faithful to his trust; strictly temperate in his habits, and pure in thought and life; a devoted and loving husband and father and a faithful friend.

Such lives are for the betterment of society, and belong to the factors that lift humanity heavenward.

JUDGE JOSIAH TURNER.

Judge Josiah Turner died at Owosso, April 7, 1907 from old age. In his home city he was universally known as "The Grand Old Man." For twelve years he had lived a quiet, retired life, and whenever he appeared in court or at the Pioneer Society he was accorded an ovation. He was born in Addison county, Vermont in 1811, admitted to the bar in 1833, and four years later moved to Michigan. He started for Howell, but said he had great difficulty in finding it as it boasted only a very few houses and was called Livingston Center.

After boarding for awhile he was offered the rent of a house if he would pay the taxes which amounted to one dollar and a half per year. His law office was located at the village tavern. He held nearly every office in the town and county's gift, and was elected county judge on the democratic ticket in 1848. At Jackson, he espoused the cause of the republican party, and presided over the first state convention. He served twenty-four years on the bench as circuit judge. In 1882 he was appointed consul at Amherstburg remaining there until 1891. In his autobiography he relates that he never did one stroke of official or professional work on Sunday, thinking nothing gained by the violation of laws whether human or divine.

He left three children, Hon. Jerome Turner, representative from Muskegon, Mrs. Newcomb of Washington, D. C. and daughter Nellie of Owosso.

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